

To: R1NewsClips[R1NewsClips@epa.gov]
From: Elliott, Rodney
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Subject: Daily NEWSCLIPS- Friday, August 28th, 2015 r1newsclips

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**10 YEARS AFTER KATRINA, EPA'S
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**ETHANOL PROPONENTS PURSUE
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**Two lessons from Hurricane Katrina:
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**Obama returns to New Orleans and
cheers progress** 08/27/2015 Washington Post, The DC

Brownfields / Superfund / Other Cleanups (6)

**EPA workers had no way to get word out
after toxic spill** 08/27/2015 Associated Press Online NY

**Investigation: EPA, state missed
potential for mine blowout** 08/27/2015 Greenwich Time Online CT

**Air Force may dispute EPA cleanup
order on Pease well** 08/27/2015 Hampton Union - Online, The NH

**EPA STUDY OF COLORADO MINE
SPILL INCLUDES CALL FOR NEW
CLEANUP GUIDANCE** 08/27/2015 side EPA VA

**STATE-LED GROUP'S
STORMWATER EFFORTS MAY
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**\$225M settlement made over polluted
N.J. creek** 08/27/2015 Telegraph Online NH

Climate Change (7)

**Obama says New Orleans is 'moving
forward' after hurricane** 08/27/2015 Advocate Online, The CT

**Scientists squabble while Africa's only
penguins perish** 08/27/2015 Advocate Online, The CT

Science in the Seashore Symposium 08/27/2015 Cape Cod Today.com MA

ECOS EYES NEXT STEPS FOR OIL & 08/27/2015 side EPA VA

GAS EMISSIONS CUTS AFTER EPA PROPOSALS

NASA: Sea-Level Rise Will Only Get Worse	08/27/2015	MSN/News England Cable News Online	MA
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Climate change fueling larger wildfires in western U.S.	08/27/2015	USA Today Online	VA
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Warming waters again force walruses to Alaskan shore	08/27/2015	Washington Post, The	DC
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Energy Issues (4)

Swimming still banned at Indian Well	08/27/2015	Advocate Online, The	CT
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Judge blocks Obama administration regulation on waterways	08/27/2015	Advocate Online, The	CT
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Environment groups: Settlement not final in oil leak lawsuit	08/27/2015	Associated Press Online	NY
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Environment Groups: Settlement Not Final in Oil Leak Lawsuit	08/27/2015	New York Times Online, The	NY
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Enforcement (1)

California cut water use by 31 percent in July amid drought	08/27/2015	Associated Press Online	NY
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Research and Development (4)

Lead-poisoning settlement deals draw scrutiny, calls for reform	08/27/2015	Hartford Courant Online	CT
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EPA FINALIZES THREE GUIDELINES FOR TIER 2 ENDOCRINE DISRUPTOR TESTING	08/27/2015	Inside EPA	VA
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WASTEWATER UTILITIES SEEK TO BOLSTER EPA NANO RULE TO ADDRESS DATA GAPS	08/27/2015	Inside EPA	VA
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Toxics (1)

Asbestos still being discovered during final phase of parkway construction	08/28/2015	New Hampshire Union Leader Online	NH
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Water (7)

Boil water advisory issued for systems near Santa Fe, Raton

Environmental groups drop Charles River watershed lawsuit - The Boston Globe	08/27/2015	Boston Globe Online	MA
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EPA WEIGHING ALABAMA WATER PERMITTING AUTHORITY AMID STATE BUDGET WOES	08/27/2015	side EPA	VA
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STATE LEGISLATURES' GROUP FAILS TO REACH CONSENSUS ON EPA 'WATERS' RULE	08/27/2015	side EPA	VA
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WASTEWATER GROUPS PRESS EPA TO BETTER JUSTIFY NEED FOR 'VIRAL' CRITERIA	08/27/2015	side EPA	VA
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Judge Blocks EPA Water Rule	08/27/2015	Wall Street Journal Online	NY
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Obama administration water rule blocked at last minute	08/27/2015	Washington Post, The	DC
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Other (15)

Cyanobacteria warning issued for pond	08/27/2015	Advocate Online, The	CT
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High bacteria counts shut 4 beaches on Greenwich Bay	08/27/2015	Advocate Online, The	CT
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Things to know: EPA water rules take effect in some states	08/27/2015	Sociated Press	NY
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India's polluted waters cleanse spirits at Hindu festival	08/27/2015	Sociated Press	NY
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Million gallons of wastewater closes another beach in Hawaii	08/27/2015	Sociated Press Online	NY
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EPA threatened with lawsuit over fracking rules	08/27/2015	Boston.com	MA
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Methane-reduction proposals raise a stink	08/27/2015	agle-Tribune Online, The	MA
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Cyanobacteria warning issued for pond	08/27/2015	ster's Daily Democrat Online	NH
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Northern Pass is balanced solution that makes sense for New Hampshire	08/27/2015	onia Citizen - Online	NH
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Pipeline opponents plan rally in Keene	08/27/2015	New Hampshire Union Leader Online	NH
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California Beats Water Conservation	08/27/2015	New York Times,	NY
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Goal for 2nd Straight Month	The	
As Trash Piles Up, So Does Contempt for Lebanon's Government	08/27/2015 New York Times,	NY
	The	
Clean Power Plan a step toward sunshine for Maine's economy ; The plan represents the beginning of a more sustainable economic and environmental future.	08/27/2015 Portland Press Herald	ME
Study: Risk of large wildfires rises	08/27/2015 USA Today	VA
The EPA's Own Email Problem	08/27/2015 Wall Street Journal Online	NY

News Headline: Government lab researchers develop radioactive waste tracker | .

Outlet Full Name: Advocate Online, The
News Text: ...of licensing technology that could improve disposing of and tracking radioactive waste. Idaho National Laboratory physicist Doug...

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News Headline: Sununu's criticism of EPA partisan - The Boston Globe |

Outlet Full Name: Boston Globe Online
News Text: ...Print August 27, 2015 JOHN SUNUNU asserted in his August 17 column on the Environmental Protection Agency's accident at the...

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News Headline: Gas leaks worsen health in cities - The Boston Globe | ..

Outlet Full Name: Boston Globe Online
News Text: ...Aug. 21.) rightfully highlighted the work of Audrey Schulman and the Home Energy Efficiency Team in Cambridge, building on a...

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News Headline: Editorial: It's time for a tax on carbon |

Outlet Full Name: Concord Monitor Online
News Text: ...What would get the job done – and do more than anything else to slow climate change that unchecked will make the flight of refugees...

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News Headline: Gov. Baker headed to Newfoundland for energy talks |

Outlet Full Name: Herald News Online, The

News Text: ...on energy and innovations in the energy sector that could help mitigate climate change, the governor's office confirmed Thursday....

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News Headline: FUTURE ADMINISTRATION COULD FACE 'HEAVY LIFT' IN RESCINDING CLIMATE ESPS |

Outlet Full Name: Inside EPA

News Text: A future administration opposed to EPA's climate rules for power plants would face a "heavy lift" to completely rescind the regulations, sources say, though it might have other tools to undermine the policy and the effort may not be as difficult as EPA Administrator Gina McCarthy has suggested it would be.

McCarthy, during an event held shortly after the greenhouse gas (GHG) rule for existing plants was finalized Aug. 3, said the rule is "a pretty solid obligation," and that "it's quite a significant hurdle for [a future administration] to reverse this."

And during a July event, McCarthy noted a new administration "will have to take regulatory action in order for this to be any different than how we have designed it. You cannot just simply decide, 'I'm not implementing.' You're going to have to make the case that we were wrong. And EPA will make sure that this rule is legally solid, technically accurate, and relies on science as we've always done."

But one industry consultant charges that McCarthy's remarks are "geared toward scaring the states into going ahead and submitting their" compliance plans for the GHG rule.

The source says a new administration would have significant flexibility to either rescind the final existing source performance standards (ESPS) -- especially if there is a Republican president and a GOP-led Congress -- or make key changes that would undermine its implementation, such as delaying deadlines for states to submit compliance plans.

But other sources warn that a future EPA would have to undertake a formal notice-and-comment rule to undo or change the climate policy, and prove that its new stance is reasonable and not arbitrary. In the meantime, the newly finalized rule would retain the force of law.

"They have to come up with a proposed rule to rescind the rule they have, and they have to come up with a reasonable, rational basis for doing so," says one attorney tracking the rule. "That's not an easy undertaking. It's politically and legally difficult. . . . At the end of the day, a court will look at that and say, 'Well wait a second, why did you change course?'"

The scenario depends heavily on a Republican candidate winning the White House in 2016, given that Democratic front-runner Hillary Clinton has vowed to preserve EPA's climate rules and her primary challengers have tried to out-flank her with more aggressive environmental stances.

Many GOP presidential candidates have voiced opposition to the ESPS, with two sitting governors vowing not to write compliance plans and several sitting senators pledging to support bills that would block the rule. But few candidates in the early stages of the campaign have outlined a detailed proposal for rescinding the regulation.

The attorney tracking the rule says a new approach on implementation or enforcement is "the easiest thing to do. It's hard to get sued for slowing your enforcement."

The source says a new EPA might offer states "guidance and finesse how the states comply with the rule. It's hard to do, because the rule is the rule, but it's up to EPA to decide whether you're complying with the rule."

For example, the next administration will oversee much of the compliance plans that states submit, and might be "more lenient with the states than they might otherwise be" under the Obama administration.

The industry consultant is far more optimistic about a Republican administration's options. The source says a new administration's EPA could quickly announce it will "take a second look" at the rule's timelines and targets, given that final state plans are not due until September 2018 -- midway through the new president's first term.

"It sends a signal to the utilities that they don't necessarily have to power down facilities or jump in there and make changes right away," the source says. "They can afford a couple of years before they start power switching or building new generation or shutting down coal plants."

Such a move would "put a hold on things," and allow the administration to develop a new regulation to either rescind the rule or make significant changes.

Regarding formal efforts to change the rule, an industry attorney says much will depend on whether the U.S. Court of Appeals for the District of Columbia Circuit has upheld the ESPS in the initial round of litigation, and if so, on what grounds.

If the court were to find the Clean Air Act unambiguously requires EPA's interpretation, then it would be nearly "impossible" to undo the rule, the source says. If the court upholds the rule after finding EPA reasonably interpreted an ambiguous statute, then a "new administration would have to demonstrate their interpretation is also a reasonable interpretation."

Such efforts might be easier than a new administration reversing course on a bedrock determination such as EPA's finding that carbon dioxide (CO₂) emissions endanger welfare and the environment -- a finding that was upheld by the Supreme Court and bound the agency to regulate GHGs as a "pollutant" under the air act.

The industry source adds that a new administration could take office after the D.C. Circuit has issued its ruling on the merits, with pending certiorari petitions seeking Supreme Court review of the ruling. ESPS opponents might seek a stay pending high court review, the source says, and a new administration "could say, 'We don't oppose that.'"

The potential alignment of the litigation timeline and the beginning of the next administration is "one of the reasons . . . why this administration wants so badly to have this rule tested by the D.C. Circuit before it leaves [office]," the industry attorney says. If the rule is upheld at that stage, it can later be undone administratively, "but it's much tougher."

One analogy is President Obama's health care law. The law is "wildly unpopular" among Republicans in Congress, but as it is implemented, "exceptions have become settled, sort of baked into the mix," and stakeholders have "made plans about the future based on the fact that it's there. The same thing has the potential to happen with the Clean Power Plan."

Completely rescinding the ESPS would be "a heavy lift," the source says. "You have to establish it is not arbitrary or capricious, or contrary to law, to undo the rule. You now have to make the opposite case that this EPA is trying to make."

While the attorney tracking the rule says "McCarthy was a bit overstating" the difficulty, a future EPA would still face significant political challenges. "You look like you're not doing anything when there's a problem," the source says, noting there would be fierce criticism from environmental groups. There might even be push back from some utilities concerned about regulatory uncertainty.

"As much as utilities are not wild about any of these rules . . . the Clean Power Plan is all about long-term planning," the source says. "If you muck it up and nobody knows what's going to happen for four to five years, then what are you supposed to be doing? Companies aren't going to be really happy not knowing what's happening. That's part of the political blowback."

Even so, the industry consultant points to the significant agency discretion in Clean Air Act section 111(d), the section EPA used to craft the rule. Undoing the ESPS "isn't like trying to rescind" an air toxics rule or a national air quality standard. In those cases, the Clean Air Act requires EPA "to issue regulations by a date certain."

And while the air act says EPA "shall" regulate existing sources if new sources are subject to a section 111 standard for GHGs, the law grants EPA discretion on the timing and scope of such regulation.

"You put out a regulation requiring all coal-fired plants to meet a 1.5 percent efficiency standard," the source says. "You're regulating. You're regulating CO2."

The source adds: "There is so much in this proposal that was a policy call by the agency, that a new policy call can change it." -- Lee Logan

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News Headline: COURTS SPLIT OVER STAYING CWA RULE LAWSUITS PENDING CONSOLIDATION |

Outlet Full Name: Inside EPA

News Text: Federal district courts are split over whether to stay a slew of lawsuits filed over EPA's Clean Water Act (CWA) jurisdiction rule until a judicial panel on multi-district litigation responds to the Justice Department's (DOJ) push to consolidate all cases in one court, with four district courts granting DOJ stay request but one rejecting it.

At press time the division appeared to be one ruling against a stay, four backing a stay, and decisions still pending in at least five other district court cases. At the appellate level, the U.S. Court of Appeals for the 6th Circuit has consolidated litigation over the rule in one suit, and DOJ is trying to have the overall challenge to the rule heard in that court.

Many environmental statutes, including the Clean Air Act and the Resource Conservation & Recovery Act, provide that judicial review of final agency rules must proceed in a court of appeals as opposed to a federal district court. But section 509 of the CWA says that only specific types of rules must be initiated at the appellate level.

Section 509 of the water law says that legal challenges to approval or promulgation of any effluent limitation "or other limitation" under sections 301, 302, 306, or 405, permit approvals under section 402, or individual water quality control strategies under section 304 must seek initial review in an appeals court.

However, the jurisdiction rule does not fall within a specific section of the water law,

and so the open question is whether it will be considered as an "other limitation" under the courts. The legal uncertainty has led to the myriad lawsuits over the rule filed at both the district court and appellate court levels.

The jurisdiction rule, issued jointly by EPA and the Army Corps of Engineers is designed to resolve uncertainty about the reach of the law following the 2006 Supreme Court ruling *Rapanos v. United States* that created competing tests for assessing CWA jurisdiction. The administration and its supporters say it resolves doubts about the law's reach, but critics say it expands the scope of the CWA far beyond what Congress intended.

The rule is scheduled to take effect on Aug. 28, but state and industry challenges to the rule filed in at least 10 district courts are seeking preliminary injunctions to block the administration from implementing the rule until the cases have been decided -- though none of those motions have yet been granted.

Four district courts have granted DOJ's request to stay litigation over the rule pending a decision from the judicial panel on multi-district litigation on whether to consolidate the suits. However, a district court in North Dakota recently denied the bid for a stay of a case filed in that court, saying DOJ failed to show it was necessary.

"In this court's view, plaintiffs have shown a 'fair possibility' that a stay would result in damage to them, and defendants have not demonstrated 'a clear case of hardship or inequity' as is required under *Landis*," U.S. Magistrate Judge Alice Senechal of the U.S. District Court for the District of North Dakota writes in an Aug. 18 order, citing the 1936 Supreme Court ruling in *Landis v. North American Company*.

Senechal, presiding over the suit, *States of North Dakota, et al. v. U.S. Environmental Protection Agency*, has not yet ruled on the coalition of 13 states' Aug. 10 motion for a preliminary injunction to block the agency's final CWA rule from taking effect, saying in the order that the issue has not yet been fully briefed. The Aug. 18 order is available on InsideEPA.com. See page 2 for details. (Doc. ID: 184158)

The court indicates in an Aug. 19 order that a hearing on the injunctive relief may be scheduled either Aug. 28 or in October, depending on scheduling conflicts with other cases on the court docket.

The states in North Dakota, et al., argued in their Aug. 10 motion that they seek postponement of the rule's implementation to "maintain the status quo while the serious legal failings" can be addressed by the courts.

The motion cites a memo from the Corps' Lance Wood, assistant chief counsel for environmental law and regulatory programs, to Major General John Peabody, which says the rule is "not likely to survive judicial review in federal courts" -- one of

several Corps memos about development of the rule released by House Republicans last month. The memos include substantive, often strongly worded critiques of the rule and EPA's economic and scientific analysis supporting the rule and are seen as boosting critics' claims about legal flaws in the policy (Inside EPA, Aug. 7).

Meanwhile, judges in four of the 10 district courts weighing challenges to the rule have opted to grant the DOJ's requests for stays, whereas the other five district courts are continuing to accept briefing on the issue.

The U.S. District Court for the Southern District of Texas, Galveston Division, in *American Farm Bureau Federation v. U.S. Environmental Protection Agency*, in an Aug. 3 order signed by Judge George C. Hanks, agreed to stay the litigation pending a ruling from the judicial panel on multi-district litigation on DOJ's push to consolidate the cases and transfer them to the U.S. District Court for the District of Columbia. Hanks also granted a stay in *State of Texas v. EPA* Aug. 14 in that court, saying "good cause exists" for the stay.

On July 31, the U.S. District Court for the Northern District of Oklahoma granted a stay of litigation over the rule in *State of Oklahoma, et al. v. EPA*, and *Chamber of Commerce, et al., v. EPA*.

In the U.S. District Court for the Southern District of Georgia, District Court Judge Lisa Wood heard oral arguments Aug. 12 on a stay request and motion for a preliminary injunction sought by Georgia in *State of Georgia v. EPA*. Wood said that she would rule on the motions by Aug. 28 when the rule is slated to take effect, according to the clerk's minutes.

"The judge looked at the jurisdictional question issue of the government's" stay request, and appeared skeptical of EPA's argument that the litigation should be stayed in the event that the 6th Circuit decides it has jurisdiction to hear the overall challenge to the rule, says an industry source who attended the hearing.

DOJ argued in a July 31 motion for an injunction the states filed in the federal district court in Georgia that because it identifies what "water bodies will require CWA permits when pollutants are discharged into them rather than purely exempt a category of activities from permitting requirements," the rule constitutes both a "limitation" under Section 509(b)(1)(E) and an underlying permitting regulation under Section 509(b)(1)(F). -- Bridget DiCosmo

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News Headline: EPA USES NOVEL 'SOCIAL COST OF METHANE' IN LANDFILL, OIL & GAS PROPOSALS |

Outlet Full Name: Inside EPA

News Text: EPA is using its novel "social cost of methane" (SCM) estimate to calculate the climate benefits of its newly proposed methane rules for landfills and the oil and gas sector, using values that are significantly larger than its similar -- and controversial -- carbon dioxide (CO2)-focused metric to calculate the bulk of the proposals' quantified benefits.

The agency has used the new values at least once before, to suggest potential co-benefits from reducing upstream and downstream methane emissions as a result of its proposed phase 2 fuel efficiency standards for medium- and heavy-duty trucks.

But use of the metric in the landfill and oil & gas proposals is significant because it marks the first time the agency has used the metric to quantify direct climate benefits of a regulation limiting methane, resulting in a cost-benefit calculation that accounts for nearly all of the rules' monetized benefits.

The values are pleasing environmentalists, who have long called for the measures to help justify strict new climate rules that regulate methane, the greenhouse gas (GHG) that is significantly more potent than CO2. "It's good to see EPA undertaking a serious effort to value these pollution reductions," one environmentalist says.

But they have already begun to attract criticism from at least one industry attorney who argues that the agency's new methane values suffer from many of the same flaws that afflict the administration's social cost of carbon (SCC) metric, including an insufficient discount rate, use of global, rather than only domestic, benefits, and a failure to subject the calculations to adequate peer review.

Wayne D'Angelo of the law firm Kelley Drye & Warren says in an Aug. 19 blog post that the agency's cost-benefit review of its oil and gas new source performance standards (NSPS), which is based on its new SCM metric, is too uncertain to provide sufficient confidence in the rule's overall benefits.

"EPA offers both cost and benefit estimates 'give or take' about \$100 million each. Importantly, EPA has good reason to doubt its benefits calculations in particular," he writes. "EPA calculated future benefits using an estimate of the social cost of methane that has never before been used in rulemaking," he says.

Like the administration's SCC, the agency's SCM monetizes the climate damages that are expected to result from each incremental ton of the gas that is released. As a result, the value can be used to quantify the benefits of rules that curb the gas and eventually limit climate-related damages from sea level rise and other adverse effects.

The CO2 values in the SCC have already been used in a host of EPA, Department of Energy and other agencies' rules that reduce GHG emissions, including the agency's final GHG rule for existing power plants, which uses the SCC to show \$20 billion in climate benefits in 2030.

But the administration's development of the SCC has drawn strong criticism from industry officials and GOP lawmakers, who charge the figures overestimate the potential benefits of domestic policies in part by calculating global benefits, and because they are based on arbitrarily selected adverse climate impacts, use multiple highly uncertain variables and were not developed transparently.

While the administration's current SCC value for CO₂ emitted in 2025 is \$48 per ton using a 3 percent discount rate, EPA estimates that an incremental ton of methane emissions released that same year would inflict a \$1,500 cost to society, using a 3 percent discount rate.

The per-ton damage estimates for the SCM are higher than the SCC because methane is a much more potent GHG over the short term than CO₂. The most recent estimates from the International Panel on Climate Change (IPCC) say methane is 28 to 36 times as potent as CO₂ over 100 years, compared to an earlier estimate of 25 times as potent.

Using these SCM values, EPA says its recently proposed methane rules for new and existing landfills, as well as its NSPS for new and modified oil and gas drilling sources, yield up to \$1.2 billion in combined climate benefits in 2025.

For landfills, EPA says the Aug. 14 proposed guidelines for existing facilities would yield about 440,000 metric tons of methane cuts in 2025, resulting in \$660 million in benefits. That compares with a range of \$35 million to \$47 million in costs.

The Aug. 18 NSPS for the oil and gas sector, EPA says, would drive between 310,000 and 360,000 metric tons of emissions cuts, yielding between \$460 million and \$550 million in climate benefits. EPA estimates a range of \$320 million to \$420 million in costs.

In each case, the climate benefits tied to the SCM represent the vast majority of the proposal's quantified benefits.

EPA outlines its justification for the new SCM calculations in regulatory impact analyses (RIAs) for the landfill and oil and gas proposals.

The agency notes that it earlier used an "interim" methane valuation approach in two prior rules that converted methane emission cuts to CO₂ equivalents using a global warming potential (GWP) calculation.

That approach was used in both a prior oil & gas NSPS targeting volatile organic compounds, promulgated in 2012, and the phase 2 light-duty vehicle GHG rule, which was also finalized in 2012.

But instead of including the GWP-based estimates in the main cost-benefit analysis

for those rules, EPA included the figures only in "sensitivity" analyses.

Such figures are "not ideally suited for" cost-benefit reviews, EPA says, because methane exists over different time scales and is linked to different environmental and social impacts. For example, increased fertilization benefits from CO₂ would be incorrectly attributed to methane in a GWP-based approach.

As such, EPA says the GWP-based approach likely underestimated methane-related damages.

Environmental groups have earlier urged EPA to craft a cost estimate for methane releases, with the Environmental Defense Fund arguing in 2014 comments, for example, that the SCC is not suited for quantifying the costs of methane emissions.

The agency notes that since those 2012 rules were issued, Alex Marten, a researcher in EPA's National Center for Environmental Economics, and four co-authors published the first set of SCM "estimates in the peer-reviewed literature that are consistent with the modeling assumptions underlying" the SCC.

The figures in the Marten study reflect radiative forcing estimates from the fourth IPCC report, released in 2007. In that report, methane was estimated at 25 times more potent than CO₂ over a 100-year time period.

EPA notes that IPCC's latest report, released in 2014 after the Marten study was developed, says methane is between 28 and 36 times as potent, reflecting changes to the lifetime and radiative estimates for CO₂, changes to the lifetime estimate for methane and the effect of methane on "other climatically important substances such as tropospheric ozone and stratospheric water vapor."

It is not clear whether the methane valuations used in the RIAs were updated with the IPCC's latest GWP estimates.

EPA in the RIAs says it "recently conducted a peer review of the application of the [Marten] non-CO₂ social cost estimates in regulatory analysis and received responses that supported this application."

The agency says two of three reviewers found it "appropriate" to use the figures in RIAs, and that all three reviewers encouraged improvements to both the SCC and the SCM.

Because the reviewers say the SCM is "generally consistent" with the SCC, which is supported by White House Office of Management & Budget (OMB) guidance, that "leads EPA to conclude that use of the [SCM] estimates is an analytical improvement over excluding methane emissions from the monetized portion of benefit cost analysis."

EPA adds that it is seeking comment on the use of the estimates in the RIAs.

The environmentalist notes that the SCM builds upon the approach used to develop the SCC, and that its approach of directly modeling the impacts of methane is "perhaps a more rigorous and up-to-date look at the impacts" than earlier efforts on the issue.

But D'Angelo charges that the SCM estimates suffer from many of the same flaws as the SCC values.

He also faults EPA's failure to use both 7 percent and 3 percent discount rates as suggested by OMB guidance, and that both the methane and CO2 estimates rely on global benefits instead of only domestic benefits.

Under the cost-benefit reviews, he says, "The benefits appear larger than the costs, but the costs are borne by the U.S. economy alone, while the benefits are shared with every other country in the world."

In a July 6 formal response to comments document, the administration defends its decision not to include a 7 percent discount rate in the SCC, as well as to look at global benefits. After considering the comments, the administration says, it continues to recommend use of the SCC in cost-benefit reviews because it represents "the best scientific information on the impacts of climate change available in a form appropriate" for RIAs. -- Lee Logan

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News Headline: EPA DOWNPLAYS HIGH COURT RULINGS' IMPACT ON CWA TRANSFER RULE LAWSUIT |

Outlet Full Name: Inside EPA

News Text: EPA is downplaying New York's claim that recent Supreme Court rulings denying deference to the administration's positions on air and health care policies undermine the agency's legal defense of its rule exempting some water transfers from Clean Water Act (CWA) permit limits, countering that the high court cases are unrelated to the rule.

In a separate lawsuit involving the water transfer rule (WTR) pending in the U.S. Court of Appeals for the 9th Circuit, a three-judge panel Aug. 21 opted against reviewing the regulation's legality after finding that the transfer at issue in that case did not require a CWA permit regardless of the rule. That decision shifts attention back to the pending 2nd Circuit case in which EPA and New York are battling over whether the high court's deference rulings should influence the challenge.

The justices in the two recent rulings refused to defer to an agency's reading of a

governing statute, first with a 6-3 ruling issued June 25 in *King v. Burwell* that upheld a key part of President Obama's health care law but did not defer to the administration's interpretation of the statutory text. That was followed by a June 29 5-4 decision in *Michigan v. EPA* that faulted EPA's interpretation of the Clean Air Act in crafting its utility air toxics rule.

New York argued in July 23 letters that the rulings showed a lack of deference to the agencies, and that the same principle should apply in the challenge to the water transfer rule, titled *Catskill Mountains Chapter of Trout Unlimited, Inc. et al. v. EPA, et al.* -- providing an early test of the scope of the rulings (Inside EPA, July 31).

But the Department of Justice (DOJ) argued on EPA's behalf in Aug. 21 letters to the 2nd Circuit counters that the two Supreme Court rulings address profoundly different circumstances and do not apply in the water case. DOJ says the judges have no reason to narrow their deference to the agency's interpretation of the water law based on either ruling. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184210)

While Michigan dealt with a threshold decision to issue a broad new regulation and faulted EPA for not considering costs in deciding to develop the utility air rule, "[T]he WTR is an interpretation of ambiguous statutory text in light of Congressional intent and competing policy considerations; far from imposing billions of dollars of new costs, the WTR merely formalized the agency's longstanding position," DOJ says in its letter on the air toxics ruling.

The air law ordered EPA to decide whether regulation is "necessary and appropriate," but was silent on whether the agency had to consider costs in developing an air toxics rule. The agency argued it had deference not to weigh costs at that early stage and instead assess costs when it set the rule's emissions limits. But the majority of the Supreme Court in Michigan disagreed, remanding the case to the D.C. Circuit for further proceedings.

By contrast, the CWA "instead simply authorizes regulations that are "necessary to carry out [EPA's] functions under the Clean Water Act," DOJ says in its letter to the 2nd Circuit.

The 2008 CWA rule generally says a transfer of water between distinct waterbodies does not require a CWA discharge permit unless it is subject to intervening industrial, agricultural, or other use. EPA and its allies are appealing a ruling by the U.S. District Court for the Southern District of New York that partially vacated the rule.

New York, which is allied with environmentalists who oppose the WTR, argued in its letters that a broad exemption for such transfers is counter to the structure and goals of the water law and under the recent high court ruling in Michigan and the health care ruling in *King* should not receive deference.

In *King*, Chief Justice John Roberts wrote in his majority opinion that the case was an exception to the principle that courts should defer an agency's reasonable reading of an ambiguous law under the landmark 1984 ruling *Chevron v. Natural Resources Defense Council*, because the ambiguity at issue was fundamental to the structure of the health care law, and Congress therefore would not have left it to an agency to interpret for itself.

But DOJ in a letter to the 2nd Circuit discussing *King* argues that the decision to exempt some water transfers from permits does not rise to the "extraordinary" levels the justices said warranted discarding *Chevron* deference in *King*. It points out that *King* dealt with a rule crafted by the Internal Revenue Service, which is not expert in health care policy, but EPA is expert in weighing environmental regulation.

The Supreme Court "routinely accords *Chevron* deference to EPA's Clean Water Act ('CWA') interpretations, including ones of great 'significance' to the public and the statutory scheme. Indeed, this court has previously recognized that the *Chevron* framework would apply to an EPA regulation governing water transfers," DOJ writes.

The 2nd Circuit case is the sole live litigation over the legality of the WTR after the 9th Circuit decided a long-pending suit over an ongoing transfer in Oregon on fact-specific grounds, rejecting environmentalists' call to address directly the legality of the rule (*Inside EPA*, Nov. 28).

The 9th Circuit decided Aug. 21 that the case, *Oregon Natural Resources Council (ONRC) Action v. U.S. Bureau of Reclamation*, need not address the merits of the WTR because the transfer at issue, between Oregon's Klamath River and Klamath Straits Drain (KSD), was merely moving water between different parts of a single waterbody.

"As the waters flowing into the Klamath River from the KSD are not meaningfully distinct, a permit is not required under the CWA," regardless of the validity of the transfer rule, Judge Richard R. Clifton writes for the three-judge panel of the 9th Circuit that also included Judges Milan D. Smith, Jr., and Andrew D. Hurwitz.

The ONRC court based its decision in part on the Supreme Court's 2013 ruling in *Los Angeles County Flood Control District v. Natural Resources Defense Council*, where the high court held that no permits were necessary for the county to move stormwater through channelized portions of the Los Angeles that formed part of its storm sewer system.

Clifton says in the ruling that while the unanimous high court "acknowledged that 'storm water is often heavily polluted.' Nonetheless, it is the addition of pollutants from a point source that is prohibited under the CWA, and the Court held that 'no pollutants are "added" to a water body when water is merely transferred between

different portions of that water body,'" quoting from Justice Ruth Bader Ginsburg's decision in the Los Angeles case.

The ruling comes after all three judges signaled in November oral arguments that they were considering deciding the case on the "distinct waterbody" issue. Doing so sidesteps any concerns over how the 2nd Circuit case would proceed following a ruling by the 9th Circuit directly addressing the WTR. -- David LaRoss

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News Headline: UTILITY RENEWS BID FOR STAY OF MACT'S HYDROGEN CHLORIDE EMISSION LIMIT |

Outlet Full Name: Inside EPA

News Text: A power company is renewing its bid for the U.S. Court of Appeals for the District of Columbia Circuit to impose an emergency stay of a looming September deadline for it to comply with a hydrogen chloride (HCl) emission limit in EPA's utility air toxics rule, arguing that it has exhausted all administrative options to win a stay.

In an Aug. 24 filing with the U.S. Court of Appeals for the District of Columbia Circuit, Tri-State Generation and Transmission Association says that it is resubmitting a previous request for a stay of the limit that the court rejected. The judges previously said that the company needed to first try to win a compliance extension from either air regulators in Colorado -- where the company's affected power plant is based -- or through a request to EPA. The filing is available on InsideEPA.com. See page 2 for details. (Doc. ID: 184212)

Tri-State says that within 24 hours of the court's Aug. 17 order it sent a letter to EPA, the Department of Justice lawyer assigned to the utility maximum achievable control technology (MACT) air toxics rule suit, and Colorado's Air Pollution Control Division (APCD) seeking the same relief it asked from the court.

The company says that in an Aug. 18 email, the director of APCD said Colorado does not have authority to grant such relief and that a suspension of the deadline would have to come from EPA.

On Aug. 21, acting EPA air chief Janet McCabe then emailed Tri-State's counsel to say that "every source has unique concerns and constraints in responding to regulatory requirements" and that EPA would not be granting the company the relief it is asking for, according to the company's filing.

Tri-State wants an emergency stay for its Nucla plant from having to meet the rule's HCl limit by a Sept. 1 deadline until EPA has complied with the Supreme Court's June 29 remand of the MACT.

The high court faulted EPA for not considering costs when it issued its finding that a utility MACT was "appropriate and necessary," even though the Clean Air Act is silent on whether costs must be a factor. EPA said it considered costs when it set the rule's emissions limits, but the justices said it should have been a consideration for the initial decision to regulate. As a result, the court sent litigation over the utility MACT back to the D.C. Circuit.

While the appellate judges weigh how to proceed in the case *White Stallion Energy Center, et al. v. EPA, et al.*, the agency has said it plans to craft a new appropriate and necessary finding that considers costs (Inside EPA, Aug. 14).

But Tri-State in its new filing argues that because it has exhausted its administrative options for a stay of the HCl emission limit deadline, the court should grant its request to delay its compliance before the Sept. 1 deadline takes effect. It also asks for an expedited briefing schedule to allow for a decision before the deadline.

The company says that the the court should suspend the compliance obligation for the Nucla plant until EPA makes its new appropriate and necessary finding that complies with the Supreme Court's ruling.

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News Headline: 10 YEARS AFTER KATRINA, EPA'S USE OF EQUITY IN DISASTER RESPONSE UNEVEN |

Outlet Full Name: Inside EPA

News Text: A decade after the landfall and after-effects of Hurricane Katrina triggered calls for EPA to elevate environmental justice (EJ) considerations in its disaster responses, advocates say the agency has an uneven track record because it has improved engagement with equity areas but fallen short of adequate EJ considerations in disaster cleanups.

One environmentalist says EPA's focus on community engagement after a disaster has strengthened since Katrina made landfall Aug. 29, 2005, and the 2010 BP oil spill in the Gulf Coast. The source cites as a recent example EPA Administrator Gina McCarthy spending a significant amount of time since this month's Colorado wastewater mine spill meeting with state, local and tribal governments about the spill's environmental impacts.

An EPA spokeswoman says the agency has taken several important steps in recent years to address concerns about consideration of EJ in disaster responses -- for example, by using geographic mapping tools to identify vulnerable populations to establish baselines and outreach strategies during emergency situations.

But advocates say the agency has not necessarily translated improved communication with local groups into more effective consideration of EJ issues in cleanup activities. One source who worked on cleanup of contaminated sediment "sludge" after multiple natural and man-made incidents in the region, including hurricanes and the BP spill, said government approaches to dealing with the waste have not dramatically changed since 2005.

The Bush administration, including EPA, faced significant criticism for allowing Katrina's damage and subsequent waste cleanup efforts to create a disparate impact on minority and low-income EJ populations.

"After Katrina we had so many problems with disposal of waste from the destruction, and then five years later in the oil spill we had a real problem with where they put the waste from the BP cleanup," says one advocate who works on waste issues in the Gulf Coast region. The Obama administration, under leadership from former EPA Administrator Lisa Jackson, oversaw the agency's role in the cleanup of the oil spill, and some groups were critical of the response.

"During the BP spill EPA was really good about getting data out to the communities, but there wasn't anything more done in terms of protection" of those EJ areas, according to a second environmentalist.

"A large part of it again went to landfills that were in minority neighborhoods," the source says of the resulting waste from the BP spill. And five years earlier, disposal of debris from flooded or destroyed buildings and other structures was a major focus as the Gulf region struggled to rebuild after Katrina.

"There were coordinated dumps, but there was all this illegal dumping going on that wasn't getting caught. That, I think, was setting us up for future Superfund problems," the advocates says.

"[W]hen you think about what's in a house -- herbicides, pesticides, insulation, all those materials -- you don't want all of that just thrown together into whatever's the closest landfill. But the whole focus on debris was 'fast.' It wasn't about doing it right, it was about getting it out quickly," adds the source. "In 2008 we were hit by Hurricanes Gustav and Ike, and it was the same story, it seemed like we weren't any better prepared than in 2005."

Waste disposal issues from the Katrina cleanup also created concerns about potential air pollution. For example, EPA waived reformulated gasoline and low-sulfur diesel requirements for the region affected by the storm, while some state and local officials sought to destroy debris in open fires rather than at landfills -- which an environmentalist who focuses on air issues said was halted only by intervention from affected communities.

"EPA didn't exactly show a lot of courageous leadership on that front. It was

community outrage that led to ending at least any officially approved burns," according to the advocate.

The possibility of burning debris in future events came up again in the Bush EPA's exceptional events rule, which excludes certain air quality exceedances from counting toward a state's violation of agency air standards when they are caused by natural events. Environmentalists opposed both the substance of the rule and language in the preamble of the rule indicated that it could apply to cleanup work as well as the disasters themselves -- which the source says would have led to burning debris and other emissions that would directly impact EJ communities.

Advocates challenged the rule in the U.S. Court of Appeals for the District of Columbia Circuit, which dismissed much of their challenge on procedural grounds but held that the preamble language could have no legal effect -- raising questions over the scope of the rule that the advocate says EPA has never directly addressed.

"The court basically ruled that those examples in the preamble, which were not in regulatory language, did not have any legal force. Since then I have no record of the Obama administration relying on it to try and excuse an air pollution violation from construction activities, but the Bush administration never went back, nor did the Obama administration, to rescind or rewrite that preamble," the source says.

Environmentalists say that while state and federal authorities have had a mixed record in putting those principles into action in subsequent disaster responses such as the 2010 BP oil spill, the agency has greatly increased consideration of environmental justice in community-engagement and communications.

Following the storm, the EJ community, including EPA's own National Environmental Justice Advisory Council (NEJAC), called on the agency to integrate equity concerns more concretely into its disaster planning.

Less than a year after the spill, then EPA enforcement chief Granta Nakayama told NEJAC that the agency would craft new rules to make EJ concerns "hardwired into emergency response," and both Bush and Obama-era officials crafted EJ guides for each program office that touch on environmental disasters as well as other issues.

Asked for comment on how EPA has integrated EJ efforts into disaster response since Katrina, the agency spokeswoman cites Nakayama's 2007 memo in response to NEJAC recommendations that modified the emergency management Incident Command System (ICS) "to enhance the Agency's ability to address environmental justice issues."

Among other strategies it pledged to introduce, the 2007 ICS memo says "EPA will use the Environmental Justice Geographic Assessment Tool, which operates on an EnviroMapper platform, to identify vulnerable populations to establish baselines and outreach strategies during emergency situations."

Gulf Coast advocates say that since issuing that guidance, the agency has made notable strides in communication and community engagement, which they say was a weakness of the Katrina response but which had improved greatly by the time of the BP spill.

"To be honest, I think they kind of dragged the other federal responders along during the spill response. Lisa Jackson was very responsive in terms of communication, and even when she didn't have the answer to a question she was up-front about that and worked with people. She showed up in New Orleans a lot. She was clearly on the front lines," says a second Louisiana environmentalist.

And in BP spill restoration efforts, as part of the federal-state Gulf Coast Ecosystem Restoration Council, "they very much tried to engage those communities more effectively," the source says. -- David LaRoss

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News Headline: ETHANOL PROPONENTS PURSUE DUAL SUITS OVER EPA MOBILE SOURCE AIR MODEL |

Outlet Full Name: Inside EPA

News Text: Ethanol proponents are pursuing dual suits over EPA's motor vehicle emission simulator (MOVES) model, filing a Freedom of Information Act (FOIA) suit in federal district court over data they believe will boost their claim MOVES erroneously finds ethanol increases air pollution and separately urging an appeals court to block use of the model.

The challenges highlight the ongoing controversy over MOVES 2014, which EPA says is more accurate than its previous models because it uses updated data and includes estimates of the impact of agency mobile source air rules finalized since 2010 that previous versions of the emissions model did not include. The agency in an Oct. 7 Federal Register notice mandates that states use the new model for regulatory compliance purposes.

Some states argue that greater use of ethanol could lead to increases in ozone-forming nitrogen oxides (NOx) emissions, a major issue for states already struggling to meet the agency's existing 2008 ozone national ambient air quality standard of 75 parts per billion (ppb). EPA will decide by Oct. 1 whether to tighten the standard further to a limit between 65 and 70 ppb, and a stricter standard would require cuts in NOx for many areas to attain.

But ethanol's proponents say that the fuel has significant air quality benefits compared to conventional gasoline, and that EPA needs to revise its MOVES model in order to account for these benefits.

Pro-ethanol group Energy Future Coalition filed suit over the Register notice in federal appeals court to block use of the model, and also filed an Information Quality Act (IQA) challenge claiming the model vastly overstates the ozone-forming emissions associated with the fuel, saying the agency's approach could discourage use of the fuel and ignores its ability to lead to lower air pollution levels than gasoline.

In a May 11 letter to Energy Future Coalition, acting EPA air chief Janet McCabe says the agency is deferring consideration of the IQA request pending resolution of the U.S. Court of Appeals for the District of Columbia Circuit suit seeking to block the required use of the model, known as *State of Kansas, et al. v. EPA*, filed by the states of Kansas and Nebraska, the Energy Future Coalition and another ethanol advocacy group known as the Urban Air Initiative.

Separately, the Energy Future Coalition and the Urban Air Initiative on Aug. 17 filed suit in the U.S. District Court for the District of Columbia trying to force EPA to turn over documents the groups requested under FOIA that pertain to a key fuels study that underpins the MOVES model. EPA has missed statutory deadlines to produce the documents or craft a plan for how it will produce them, the groups claim. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184231)

Underlying the MOVES model is a study, known as the EPAct study, which the groups and states claim was designed in part by an oil industry consultant and overestimates ethanol-related pollution.

The study employs "match blending" when mixing ethanol into gasoline for testing purposes, a method that oil sector groups say is superior because it seeks to hold constant various technical qualities of fuel in order to isolate the polluting effects of ethanol that critics say stem from its associated NOx emissions.

But the pro-ethanol groups say this is intentionally misleading, because at gas stations ethanol is "splash blended" into gasoline, resulting in fuel that actually has lower emissions than straight gasoline.

In their Aug. 17 FOIA federal district court suit, the pro-ethanol groups say, "Because EPA has failed to disclose the records Plaintiffs seek, Plaintiffs were forced to file an opening brief [in *State of Kansas*] with few specific details about the unusual circumstances surrounding the design of the EPAct study."

"These circumstances include several unexplained alterations in the study's design . . . and EPA's decision to retain a consultant from Chevron to design the EPAct study's test fuels . . . even though Chevron manufactures and sells gasoline and the aromatic hydrocarbons in it that compete with ethanol as rival sources of octane," the suit says.

Oil sector group the American Petroleum Institute has said, however, that claims about the oil industry's influence on the study's design are greatly exaggerated.

The pro-ethanol groups add, "Without the records they seek, Plaintiffs can only speculate about the motives behind these choices and the EPA's study's resulting design."

EPA has up to a maximum of 30 business days to issue a "determination" of which documents it will produce in response to a FOIA request, but so far has failed to do so in response to the groups' April 2 revised FOIA request, the groups say. "In the six months since Plaintiffs filed their original request (and four months since Plaintiffs narrowed their request along the lines requested by EPA), EPA has produced only three out of an estimated 36,000 documents."

"Plaintiffs are being irreparably harmed by EPA's unlawful failure to produce responsive records, and Plaintiffs will continue to be irreparably harmed unless EPA is compelled to fulfill its obligation under FOIA. Plaintiffs need the requested records to fully understand and contest the design of the EPA's study and EPA's collaboration with the oil industry in designing and conducting that study," the groups say.

Meanwhile, in a July 2 brief in State of Kansas, the pro-ethanol groups and two states that are critical of MOVES claim the EPA study's designers, guided by a Chevron consultant, "created novel fuels found nowhere in the market through a so-called 'match-blending' process in which they pre-adjusted the gasoline blendstocks so that when ethanol was added, the other four selected parameters . . . would match arbitrary levels preordained by the experimental design, but not representative of fuels actually put into real-world gas tanks by real-world drivers."

EPA unlawfully failed to take public comment on its notice requiring use of MOVES 2014, the groups claim. "EPA compelled States implementing the agency's air quality standards to use a vehicular emissions model so deeply flawed that its ethanol-related estimates reflect the opposite of what happens in reality."

They claim that "EPA did this without providing any opportunity for outside criticism of the model -- either from the public or from the agency's own Science Advisory Board." This renders the rule "arbitrary and capricious" under the Clean Air Act, and therefore illegal, they say.

Further, "MOVES 2014 cannot be rehabilitated in its current form because the model is not just procedurally defective but substantively arbitrary and capricious," because of "fatal flaws" in the EPA's study, the groups say.

EPA's reply brief in State of Kansas is due Sept. 16. -- Stuart Parker

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News Headline: Two lessons from Hurricane Katrina: Reader viewpoint | ..

Outlet Full Name: Republican Online

News Text: ...in the last century. This is the tenth year memorial of the tragedy of Hurricane Katrina, in which 1,833 people died in New...

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News Headline: Obama returns to New Orleans and cheers progress | ..

Outlet Full Name: Washington Post, The

News Text: NEW ORLEANS - The despair uncorked by Hurricane Katrina 10 years ago quickly became a symbol of so much that was wrong with America - stark racial and economic inequality, government's inaction in the face of enormous social problems, and a deep sense of vulnerability and lack of preparedness for the next disaster.

That dark moment helped propel Barack Obama into the White House because it seemed to reinforce his argument that the country deserved a better future, and that he embodied that future.

On Thursday, Obama returned to New Orleans to mark the 10th anniversary of Katrina at a newly built community center in the lower Ninth Ward and to tout the city as an example of American resilience, not just in the face of Katrina, but crisis in general.

"Americans like you - the people of New Orleans . . . you're what recovery has been all about. You're why I'm confident that we can recover from crisis and start to move forward," he said. "You're the reason 13 million new jobs have been created. You're the reason the unemployment rate fell from 10 percent to 5.3. You're the reason that layoffs are near an all-time low."

But Obama also recalled some of the ills exposed by Katrina: "What the storm revealed was another tragedy - one that had been brewing for decades," he said. "New Orleans had long been plagued by structural inequality that left too many people, especially poor people of color, without good jobs or affordable health care or decent housing."

But citizens have made an effort "to build the city as it should be," he said. "And I'm here to say that on that larger project of a better, stronger, more just New Orleans, the progress that you have made is remarkable."

For the president, the city's recovery is a symbol of what engaged government can accomplish, and it's a point of personal pride. "Across the board, I've made the recovery and rebuilding of the Gulf Coast a priority," he said. "I made promises when I was a senator that I'd help. And I've kept those promises."

But the commemorations come at a time when many of the problems of race and poverty that Katrina exposed seem as endemic now as they were then. The recent series of high-profile police shootings of black men, and the protests and riots they spawned from Ferguson, Mo., to Baltimore, have underscored how resistant to change many of the problems remain.

"Our work is not done when there's still too many people who have yet to find good, affordable housing, and too many people - especially African American men - who can't find a job," Obama said.

"We're at halftime," said National Urban League President Marc Morial, the city's former mayor, in an interview this week. "No one goes in at halftime and pops a champagne cork. No one goes in at halftime and wins a trophy."

Obama said the New Orleans recovery has been very important to him and his administration and that it has become a model for disaster relief nationwide. The Department of Housing and Urban Development has doubled the number of vouchers available in the city, providing assistance for more than 17,000 households, and it has fully restored 98 percent of the public housing units damaged on the Gulf Coast a decade ago. The Education Department has invested more than \$100 million in Louisiana since 2009, while the administration both greenlighted roughly \$500 million in funding to rebuild New Orleans's Charity Hospital and spent almost \$1 billion to build a new Veterans Affairs Medical Center nearby.

"I can't remember a time where I reached out to the administration on something and they didn't eventually find a way to say, 'Yes,' " said former senator Mary Landrieu (D-La.), who helped spearhead the fight for federal recovery funding. "If it wasn't an immediate 'yes,' they searched every nook and cranny of the government and looked under every policy document to find a way to say, 'Yes.' "

While New Orleans has made several concrete gains, including a strengthened education system and a revitalized business sector, it still confronts a persistent series of problems - some of them new, others decades old - including high illiteracy and unemployment rates as well as a battered transportation system. The child poverty rate is 39 percent, 17 percentage points above the national average and the same level it was a decade ago. There has been a 55 percent drop in available transit service, and Tulane University estimates there are 26,000 young people aged 16 to 24 in the city who are neither in school nor employed.

Obama acknowledged that as long as those problems persist, there was more to do: "That's not a finished job. That's not a full recovery."

Melissa Sawyer, executive director of the Youth Empowerment Project, said that while the city has gotten aid from the government as well as the private and philanthropic sector, she is skeptical about the future of the recovery. Two major philanthropic grants to her group ran out in the past two years and haven't been replaced. Of the \$120 billion of federal government funds allocated for the Gulf Coast's recovery, most of that is exhausted.

"I'm a fan of President Obama. But people on the ground are tired," Sawyer said.

Just across the street from the Andrew P. Sanchez Community Center, a gutted home stood in the sun, its wooden frames exposed. Seventy-six-year-old Ann Cagnolatti, sitting in a chair waiting for the president to arrive, said that Obama "kept his promise" and that her flooded home in the Seventh Ward had been renovated with federal aid. But she added that she had to leave it because "a drug addict burned me out," prompting more repairs.

Both Democrats and Republicans say the president and members of his Cabinet have devoted considerable attention to the Gulf Coast, often reading flexibility into regulations to make recovery efforts easier.

In interviews this week, top officials said the Katrina experience has changed the way the government conducts its disaster relief business: It now provides disaster funds without demanding buildings be replicated without changes; and new federal construction projects must adhere to stricter flood standards that take climate change projections into account.

"You're also becoming a model for the nation when it comes to disaster response and resilience," Obama said Thursday. "We learned lessons from Katrina."

Days after Katrina hit, when he was still serving as a senator, Obama went to Houston with former presidents Bill Clinton and George H.W. Bush to visit survivors of the storm. He publicly rejected the notion that George W. Bush's administration had ignored New Orleans's residents because they were black, a notion that had become so popular that rapper Kanye West blurted out during a telethon to help Katrina survivors, "George Bush doesn't care about black people."

Obama suggested that incompetence, not racism, was the chief culprit.

"The ineptitude was colorblind," Obama said.

"If Katrina was initially an example of what happens when government fails, the recovery has been an example of what's possible when government works together." Obama said Thursday.

The president credited New Orleans residents with setting an example that has

sparked everything from the nation's economic recovery to same-sex marriage "and a clean energy revolution is helping to save this planet."

"That's what you've gotten started," he said, noting at one point that many presidential hopefuls are now criticizing the country's direction. "But it's important that we remember what's right, and what's good, and what's hopeful about this country."

On Thursday, Obama walked down the streets of Tremé, one of the country's oldest black neighborhoods, in rolled shirtsleeves as a small crowd cheered. While the neighborhood has 21 percent fewer residents now, a new 812 mixed-income public housing development is being built. As Obama turned onto "Magic" Street, there were two rows of large, bright single-family and duplex homes in pastel and primary colors.

Obama also lunched privately over fried chicken at Willie Mae's Scotch House - which has been in the city for half a century and has come back after suffering major damage - with elected officials and four young African American men who were affected by the storm and have rebuilt their lives.

Norman Francis, who just stepped down as president of Xavier University and chaired the Louisiana Recovery Authority, said blacks on the Gulf Coast had certain "expectations" of the president.

"People felt he had a natural relationship, that he would not let African Americans suffer when they needed help," Francis said.

As close as the president's political bond is with New Orleans, the relationship has not always been trouble free. Francis recalled a 2007 visit to the legendary Creole restaurant Dooky Chase with Obama. The future president's decision to add hot sauce to the house gumbo before tasting it prompted a sharp rebuke from the restaurant's owner, Leah Chase.

Chase, now 92, was on hand to welcome the president Thursday as he walked through Tremé.

"He's done a good job," she told reporters. "He knew it was going to be a rough road. He handled it. And that's all you have to do: handle what's handed to you."

"So if I keep feeding him he'll be okay," Chase said, adding that before Obama left the White House, "I'll send him some gumbo."

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News Headline: EPA workers had no way to get word out after toxic spill |

Outlet Full Name: Associated Press Online

News Text: ...from a Colorado mine. The documents released Thursday by the federal Environmental Protection Agency contained new details on...

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News Headline: Investigation: EPA, state missed potential for mine blowout |

Outlet Full Name: Greenwich Time Online

News Text: BILLINGS, Mont. (AP) — Republicans say they're not satisfied with a U.S. Environmental Protection Agency claim that a...

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News Headline: Air Force may dispute EPA cleanup order on Pease well |

Outlet Full Name: Hampton Union - Online, The

News Text: ...— The Air Force announced last week that they would comply with an Environmental Protection Agency order requiring them to...

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News Headline: EPA STUDY OF COLORADO MINE SPILL INCLUDES CALL FOR NEW CLEANUP GUIDANCE |

Outlet Full Name: Inside EPA

News Text: EPA's internal study of an agency cleanup team's accidental release of 3 million gallons of wastewater from a Colorado mine includes a call for new guidance aimed at minimizing the chances of, and environmental hazards from, such spills in the future, but makes no findings of negligence or improper practices by the workers involved.

The report, dated Aug. 24 but released Aug. 26, assesses the causes of the spill from the Gold King Mine and makes five recommendations to tighten protections on future abandoned mine cleanup efforts. Those include EPA crafting a new guide for cleaning up closed sites and compiling a "toolbox" of mechanisms that can detect conditions for a blowout with greater accuracy, along with requiring cleanup operators to craft plans for dealing with a "blowout" of wastewater.

"It's important to recognize that underground mines may be extremely complex,

making characterization of the internal hydraulic conditions and flow paths challenging. . . . In the end, while additional information gathering may reduce the uncertainty, a complete understanding of the underground conditions may not be attainable," the report says. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184312)

The study, conducted by regional and headquarters officials, does not find specific failings by the EPA team that triggered the spill, saying the blowout "was likely inevitable" given conditions at the mine.

But it faults EPA for not incorporating measures to deal with a blowout in its plans for the cleanup and calls on regulators to make such measures a mandatory part of future operations.

The report also recommends that the agency seek outside assistance in reviewing mines' safety prior to future cleanup activities. And it calls on EPA to convene a panel of experts "to further analyze the situation encountered at this site and come up with recommendations on additional safeguard measures to reduce the risk and minimize the consequences of such incidents in the future."

EPA's study is the first of at least three executive branch reviews of the Gold King spill. An independent assessment led by the Department of Interior (DOI) is underway, as is an investigation by EPA's Inspector General (IG) office which began shortly after the spill at the request of lawmakers.

All three studies target the circumstances under which the EPA cleanup crew triggered the release, which has prompted significant scrutiny from Congress and regular updates from the agency on its response.

Lawmakers are also seeking more information on the spill, with the House Science, Space, and Technology Committee set to hold a hearing Sept. 9.

Committee Chairman Rep. Lamar Smith (R-TX) is already faulting EPA for not meeting his request to turn over "all available documents" on the spill by Aug. 17.

"It is disappointing, but not surprising, that the EPA failed to meet the House Science Committee's reasonable deadline in turning over documents pertaining to the Gold King Mine spill. These documents are essential to the Committee's ongoing investigation and our upcoming hearing," Smith said in an Aug. 26 statement.

EPA's internal report finds that the agency Gold King mine cleanup team underestimated the water pressure that had built up from wastewater trapped in the abandoned mine, leading to a massive spill when debris holding the water back was breached. The review says cleanup workers measured water pressure at the site by measuring "seeps" and drilling into nearby channels.

It adds that workers could have used a more intensive drilling operation to measure water pressure at Gold King, but that a high risk of cave-ins at the area raised the cost and safety concerns of the technique to where operators considered it impractical.

"The inability to obtain an actual measurement of the mine water pressure behind the entrance blockage seems to be a primary issue at this particular site. If the pressure information was obtained, other steps could have been considered. However, the [Review] Team cannot determine whether any such steps would have been effective, or could have been implemented prior to a blowout," the review says.

The report does not explicitly hold that the EPA team acted properly, and finds no specific faults with how they approached the cleanup, stressing that other authorities reviewed their plans and procedures.

"The EPA site removal investigation team and the other entities consulted or who provided information about the proposed activities had extensive site knowledge of the mine workings and extensive experience evaluating and working on mine sites. None of those participating or informed parties raised any significant concerns with the proposed activities," it says.

None of the internal report recommendations call for stricter controls on private mining or mine closures, despite hopes from environmental groups that review of the Gold King spill would bolster their long-standing arguments for new financial assurance rules on the hardrock mining industry.

"What I would hope is that especially the IG report gets at the underlying causes as to why EPA was forced to intervene on an ad hoc basis" by doing the cleanup work at the mine, which was abandoned around 1923, one source with the environmental group Earthworks told Inside EPA after the IG office announced its investigation.

"[T]hat's because there's no unified organization in how you look at abandoned mines," the source continued.

Earthworks and other groups have long argued for rules under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), known as the Superfund law, that would require hardrock mine owners to set aside funds to pay for cleanup, accidental releases and post-closure care.

Without such rules, the source says, EPA and state environment departments are forced to address problem sites as their own funding allows, and without an overarching regulatory strategy.

"There's a will, but there's not a way, because there is no money. There's no systematic way of inventorying the mines, prioritizing them for cleanup, and then cleaning them up," the source says.

Small-government advocates are hoping the spill spurs an expansion of Good Samaritan policies that encourage private parties to clean up mines by limiting or waiving liability for potential releases.

The EPA study and the pending studies from the agency's IG and DOI are also likely to inform litigation over the spill. The Navajo Nation has already declared its intent to sue EPA for damages from the Gold King release, and the agency also faces possible legal action by downstream states.

Attorneys familiar with cleanup law say that EPA will likely be sued for both natural resource damages and response damages under CERCLA, which would deal with both environmental harms from the spill and the cost of addressing drinking water contamination and other short-term issues respectively.

DOI is performing "an analysis of the incident that took place at Gold King Mine, including the contributing causes," according to an Aug. 18 statement from EPA, with a report set for release by Oct. 17.

Meanwhile, the IG is still determining the scope of its review, according to a spokesman for the office. An Aug. 17 IG memo announcing the investigation said it would target "the cause of, and the EPA's response to," the spill. -- David LaRoss

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News Headline: STATE-LED GROUP'S STORMWATER EFFORTS MAY HELP INFORM FUTURE EPA POLICIES |

Outlet Full Name: Inside EPA

News Text: The Interstate Technology & Regulatory Council (ITRC) coalition of state regulators that develops guidance and training on environmental innovations is launching a new stormwater team to examine technologies and best practices for managing pollution reduction, which could help inform future EPA stormwater reduction policies.

The new team could eventually "give EPA a lot more information on what states feel are best management practices," which innovative technologies states are using, and what state regulatory programs look like, said incoming ITRC Director Patricia Reyes in an exclusive Aug. 25 interview with Inside EPA. The team launches next month and ITRC is currently accepting proposals for contract support through Aug. 31, says ITRC's website.

Reyes will become director in October, and ITRC panelists will discuss the stormwater efforts at the Environmental Council of the States' (ECOS) annual meeting taking place Aug. 31-Sept. 2 in Newport, RI. ECOS represents many state

environmental agencies, whereas ITRC's website says its teams include "state and federal environmental regulators, federal agency representatives, industry experts, public/tribal stakeholders, and academics."

Reyes previously served as a senior policy advisor for the Defense Department's (DOD) under secretary of defense for environmental security and oversaw the DOD's management of its participation with the ITRC. She has also worked as an environmental analyst for the Congressional Office of Technology Assessment and the National Governor's Association, during which she served a detail with EPA, according to an Aug. 3 ECOS press release.

During the interview, Reyes said that stormwater is a "really big issue for states," and part of an effort from ITRC to expand its historic focus on guides for cleanups and remediation issues to include concentrations on other environmental media, such as air and water. "We'll be looking at a lot more water issues in the coming years."

ITRC has historically focused its efforts in remediation areas, "working to reduce barriers to the use of innovative environmental technologies that reduce compliance costs and maximize cleanup efficacy," according to its website.

Reyes added that the state-led coalition plans to continue to do its work on cleanups, but add new "teams" every year to focus on other issues, such as water. "This is a new area for ITRC," Reyes says of the stormwater group, adding that the coalition would like to encourage new federal agencies interested in stormwater issues to participate, such as the National Atmospheric and Oceanic Administration and the Department of Commerce.

She added that the coalition's recent guidance on environmental molecular diagnostics, tools used to analyze the microbial and chemical makeup of soil, sediment and groundwater, helped aid regulators working on a cleanup in Fairbanks, AK, to identify and characterize sites contaminated with chlorinated solvents.

The guidance helped regulators in crafting a groundwater remediation strategy for a chlorinated solvent plume near the Chena River stemming from dry cleaning and laundry business in the areas.

While ITRC does not develop policy positions, the guidance crafted by the stormwater team on options for pollution reduction technologies that are available and cost-effective could help the agency as it continues to weigh how to curb stormwater runoff.

For example, EPA is currently facing litigation from environmentalists over its newly updated multi-sector general permit for industrial stormwater. The advocacy groups charge that the agency is bound by the Clean Water Act to craft a stormwater permit that relies on numeric limitations on discharges rather than implementing management practices among other issues.

ITRC previously has led the development of guidance or training projects in wetlands mitigation, petroleum vapor intrusion, perchlorate, mining waste, metals in soils, biofuels, brownfields, radionuclides, remediation risk management, contaminated sediments and others. Reyes says the group will continue to focus on remediation issues while expanding its efforts in new areas of environmental innovation.

For example, the coalition in recent years conducted a survey to find that more than 30 states are reassessing policies for the long-term stewardship of contaminated sites to better protect against vapor intrusion.

ITRC's current active areas include teams in bioavailability in contaminated soil, characterization and remediation in fractured rock, dense non-aqueous phase liquid site characterization, geophysical classification for munitions response, long term contamination management using institutional controls, remediation management of complex sites, geostatistics for remediation optimization, and the stormwater group.

Reyes said in the interview that EPA has been especially active in participating in the complex site remediation and long term contamination management using institutional controls, and has also committed to participating in the stormwater projects. -- Bridget DiCosmo

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News Headline: \$225M settlement made over polluted N.J. creek | .

Outlet Full Name: Telegraph Online

News Text: ...by environmental groups, including New Jersey Sierra Club, Clean Water Action and Environment New Jersey, that may file a separate appeal.

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News Headline: Obama says New Orleans is 'moving forward' after hurricane | .

Outlet Full Name: Advocate Online, The

News Text: ...he told reporters Wednesday. But Obama's plan to sound a fresh alarm about climate change didn't sit well with Gov. Bobby Jindal, a...

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News Headline: Scientists squabble while Africa's only penguins perish | .

Outlet Full Name: Advocate Online, The

News Text: ...are unsure why the fish have moved, considering as possible causes climate change, overfishing or natural fluctuations. Now,...

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News Headline: Science in the Seashore Symposium |

Outlet Full Name: Cape Cod Today.com

News Text: ...about bats, hognose snakes, fish in local waters, greenhouse gas emissions from salt marshes, roseate terns, river herring, preserving...

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News Headline: ECOS EYES NEXT STEPS FOR OIL & GAS EMISSIONS CUTS AFTER EPA PROPOSALS |

Outlet Full Name: Inside EPA

News Text: Environmental Council of the States (ECOS) members will use their upcoming fall meeting to debate options for furthering cutting oil and gas sector emissions beyond the reductions expected from EPA's recently proposed air and climate rules for the industry, as well as debating a host of other controversial policies at the event.

Sessions slated for the Aug. 30-Sept. 2 meeting of ECOS, representing many state environmental agencies, in Newport, RI, include an interstate Shale Gas Caucus (SGC) discussion of EPA's drilling air rules and future steps that could include advanced monitoring and market incentives to reduce emissions.

Other items on the agenda include the agency's Clean Power Plan of greenhouse gas (GHG) rules for the power sector, enforcement issues, and waste and water policies, according to the agenda for the meeting. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184314)

The SGC meeting, taking place Aug. 31, "will tee up possible areas of focus for the second phase of the SGC's work. After having concentrated since last year on best practices to reduce methane and air toxics, the SGC now may turn its attention to topics including advanced monitoring, best practice verification, and market-based and regulatory incentives to promote best practice use in all media," the agenda says.

SGC is proceeding to its "second phase" after EPA Aug. 18 proposed new source performance standards (NSPS) for oil and gas facilities alongside a series of other measures targeting releases from the sector. The rule expands on requirements the agency first imposed in its 2012 NSPS that only targeted emissions of volatile

organic compounds (VOCs) but had a co-benefit of also reducing methane.

The proposal would require sources subject to the 2012 rule to control methane releases for the first time, while also subjecting some sources not regulated by the earlier rule, such as hydraulically fractured oil wells and downstream compressors and other equipment, to first-time controls for both VOCs and methane.

The SGC's focus on advanced monitoring and verification of best practices would dovetail with EPA's "next generation" compliance plan which aims to overhaul environmental enforcement to rely less on site inspections to force compliance, and more on advanced monitoring, electronic reporting and self-implementing rules.

Any proposals from the caucus to craft new incentives for implementing best practices beyond the EPA rule would be in line with acting agency air chief Janet McCabe's pledge during an Aug. 18 call announcing the rule to continuing searching for new ways to reduce emissions in partnership with other entities.

McCabe emphasized that other federal agencies are looking at a "variety of other options" for curbing methane from the oil and gas sector, referring specifically to steps that the Interior Department is taking to reduce flaring of natural gas at production sites, though that proposed rule has not yet been issued.

ECOS members will also discuss "next generation" compliance efforts at the meeting, which will focus on "innovating to improve compliance results, even with fewer boots on the ground."

Electronic reporting, and the broader E-Enterprise framework, will also be the focus of a separate panel, which is slated to examine the role of "joint governance" between state and federal regulators in current projects and future rulemakings, which ECOS says has been greatly expanded by E-Enterprise.

The meeting's air panel will be dominated by EPA's contentious GHG standards for the power sector, and aims to discuss how regulators can maximize the environmental benefits of multiple rules that target the sector.

"[I]mplementing new and tightened requirements with reduced resources has states seeking additional opportunities to leverage regulatory actions and maximize secondary benefits reducing multiple pollutants. The Clean Power Plan gives new urgency and potentially new chances to create, document, verify, and claim credit for such reductions," the agenda says.

The meeting's water session is set to consider a broad range of topics, from nutrient pollution and the resulting toxic algal blooms that have become a high-profile problem in the Great Lakes, to stormwater concerns related to both infrastructure funding and pollution reduction.

Meanwhile, the ECOS budget panel will address funding concerns for infrastructure and regulatory programs in light of threats by congressional Republicans to cut EPA's budget -- including accounts that support loans and grants to states.

That panel will highlight provisions in EPA's fiscal year 2016-17 national program manager guidances designed to expand states' flexibility in implementing programs that require federal support, including novel methods for community outreach. --
David LaRoss

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News Headline: NASA: Sea-Level Rise Will Only Get Worse | .

Outlet Full Name: NECN/New England Cable News Online

News Text: ...just how fast sea levels are rising around the world as a result of climate change, NBC News reported. At a news conference...

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News Headline: Climate change fueling larger wildfires in western U.S. | .

Outlet Full Name: USA Today Online

News Text: ...as much as six times in the U.S. by mid-century as a result of man-made global warming, researchers concluded in a study announced...

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News Headline: Warming waters again force walruses to Alaskan shore |

Outlet Full Name: Washington Post, The

News Text: Days before President Obama travels to the Alaskan Arctic to focus attention on climate change, one of global warming's effects on the region is again apparent: Hordes of walruses are scrambling onto the Alaskan shoreline because the Chukchi Sea ice floes where they would normally have been able to rest have melted.

The U.S. Fish and Wildlife Service confirmed that a mass of walruses had "hailed out," or gathered on the shore, near the remote community of Point Lay. The service did not estimate the number or provide images. But photojournalist Gary Braasch has posted dramatic photographs, taken during a flyover Sunday, of what appear to be at least several thousand walruses crowding onto a barrier island.

This is the seventh time in a decade that walruses have been driven to shore by

warming waters, and past haul-outs have numbered in the tens of thousands. This is one of the earliest; most haul-outs have not happened until September.

The Fish and Wildlife Service expressed concern about the animals' safety. Onshore walrus populations are easily frightened, and if something spooks them they may stampede into the water, potentially crushing babies or smaller adults in their path. Past stampedes have caused thousands of fatalities. To prevent stress on the animals, the agency has issued a new release requesting that people - and specifically the media - keep away from the area while the walruses are hauled out. It is also asking airlines and air charter operations not to fly over the haul-out area.

President Obama will arrive in Anchorage on Monday to begin a three-day visit focusing on climate change and its effects in the Arctic, which include melting glaciers and sea ice, thawing permafrost, sea-level rise and the resulting threats to people and wildlife. Alaska media have reported that one of the other stops on his trip will be Kotzebue - a village about 200 miles south of Point Lay.

Scientists had predicted this haul-out. Pacific walruses usually find a resting place on floating sea ice in the Chukchi Sea - part of the Arctic Ocean between the Russian and Alaskan shores - when they aren't diving for shellfish and other bottom-dwelling sea animals in the open water. In the summer, as sea ice melts and retreats north, many of them wait out the season by clustering in an area called the Hanna Shoal, a shallow-water part of the Chukchi where sea ice used to be abundant all year.

In recent weeks, the National Weather Service warned that sea ice even in the Hanna Shoal region was dwindling. By Aug. 19, all the ice was gone. Now it looks as though the walruses, with nowhere else to rest, will be stuck on the shore until sea ice begins to re-form in October.

Harvey is a freelance journalist. ☐... More at washingtonpost.com/blogs/energy-environment

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News Headline: Swimming still banned at Indian Well | ..

Outlet Full Name: Advocate Online, The

News Text: ...said Lori Hawksley of DEEP. Local health departments are responsible for water quality testing at municipal swimming areas. Tests...

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News Headline: Judge blocks Obama administration regulation on waterways | ..

Outlet Full Name: Advocate Online, The

News Text: ...a temporary injunction against a the rule which would have given the U.S. Environmental Protection Agency and Army Corps of...

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News Headline: Environment groups: Settlement not final in oil leak lawsuit | .

Outlet Full Name: Associated Press Online

News Text: NEW ORLEANS (AP) -- The latest about a potential settlement of a lawsuit by environmental groups against a New Orleans company that failed to end a...

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News Headline: Environment Groups: Settlement Not Final in Oil Leak Lawsuit | .

Outlet Full Name: New York Times Online, The

News Text: NEW ORLEANS — The latest about a potential settlement of a lawsuit by environmental groups against a New Orleans company that failed to end a...

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News Headline: California cut water use by 31 percent in July amid drought |

Outlet Full Name: Associated Press Online

News Text: ...statewide mandate to conserve, officials said Thursday. The strong water conservation figures show California residents are...

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News Headline: Lead-poisoning settlement deals draw scrutiny, calls for reform | ..

Outlet Full Name: Hartford Courant Online

News Text: ...older housing. Ingestion by infants and toddlers of even small amounts of lead paint flakes or dust can lead to lasting learning and...

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News Headline: EPA FINALIZES THREE GUIDELINES FOR TIER 2 ENDOCRINE DISRUPTOR TESTING |

Outlet Full Name: Inside EPA

News Text: EPA has finalized test guidelines for three of the animal-based assays that it intends to include in the second tier of screening of its Endocrine Disruptor Screening Program (EDSP), having revised the guidelines after industry and animal rights activists raised concerns in public comments last spring.

The program, developed after Congress in 1996 ordered EPA to test chemicals for their ability to interact with human hormones, is designed as a two-tiered screen. The first set of 11 animal-based assays are intended to screen chemicals for their potential to interact with the human estrogen, androgen and thyroid hormones. If flagged in that first tier, the program is designed to send that chemical to the second tier of testing, intended to collect dose-response information for use in risk analysis.

In an Aug. 25 Federal Register notice, EPA announces final test guidelines for the Medaka fish extended one-generation reproduction test (MEOGRT), the larval amphibian growth and development assay (LAGDA) and the avian two-generation toxicity test in the Japanese Quail (JQTT). Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184232)

In public comments submitted to the agency last spring, industry and animal rights groups questioned the tests' suitability for use in EDSP and protested the vast numbers of animals the tests will consume.

EPA indicates in the notice that it has revised the test guidelines "based on public comments, existing EPA test guidelines, and concurrent Organisation for Economic Co-operation and Development (OECD) test guidelines for MEOGRT . . . and LAGDA."

Comments from the Endocrine Policy Forum (EPF), a group of chemical manufacturers who have or expect to receive EDSP test orders, urged EPA in March 31 comments to make alterations to its guidelines for the MEOGRT and LAGDA assays to harmonize them with the OECD guidelines for the assays.

"EPA worked with the OECD to harmonize test guidelines for MEOGRT . . . and LAGDA. The OECD test guidelines were approved at the Working Group of National Coordinators of the Test Guidelines Programme (WNT) and endorsed by the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology in June 2015 prior to EPA finalizing the U.S. MEOGRT and LAGDA test guidelines," according to the Federal Register notice.

Perhaps most notably, EPA decided that consistent with OECD guidelines, "[t]he option for extending the MEOGRT through F2 generation reproduction has been removed from the final test guideline pending additional data. The test will end following hatching of the F2 offspring." The decision reduces the number of animals that the test will consume, a concern raised by EPF and other stakeholders in public

comments.

The JQTT has yet to complete the OECD validation processes, leading Ellen Mihaich, the scientific coordinator for the EPF, to predict last February that the test would draw increased scrutiny from stakeholders. EPF and animal rights groups questioned the validation status of the quail test, as well as the lack of guidance on how EPA will determine which results in the Tier 1 screen will trigger a test order for the test. The stakeholders questioned the large number of lab birds the test will consume -- with estimates ranging between 1,500-4,000 birds per study -- because it requires a breeding pair and two additional generations of birds to produce the results.

The Federal Register notice says that EPA revised the JQTT "to address comments provided by the public, the draft OECD test guideline . . . as well as the existing EPA and OECD test guidelines for avian one generation toxicity tests . . ."

Specifically, the agency explains that the revisions include changes intended to, among other things, reduce the number of birds consumed per study. "The revised test guidelines include fewer endpoints. For example, the revisions eliminated behavioral endpoints to reduce the overall numbers of birds required for the study; eliminated endpoints that are difficult to obtain (i.e., hormone levels measured in embryo blood samples); eliminated redundant endpoints; and statistical analyses."

EPA also clarified the test's end, also intended to reduce number of birds per study, to "measurement of the 14-day survival of filial 2 (F2) generation chicks. This is the minimum length of the study necessary to evaluate and measure a chemical's effect on the F1 generation's reproductive performance . . . The decision to limit the length of the JQTT is consistent with EPA's efforts to move to extended one-generation reproduction test protocols for Tier 2 tests rather than multigenerational studies . . . Extended one generation reproduction tests are technically sound, save animals, and reduce costs."

The new test guidelines follow EPA's June 30 release of its review of the first group of chemicals to undergo EDSP tier 1 screening. The agency announced that 18 of the original 52 chemicals should undergo tier two screening (Inside EPA, July 10).

The EDSP has long been criticized by Congress and stakeholders for its long delays, as well as high costs and ambiguous tests. Though Congress required such a program in the Food Quality Protection Act of 1996, it was not until 2009 that EPA issued its first test orders for chemicals to undergo tier one screening. Chemical manufacturers submitted 52 chemicals for testing following these orders, with results sent to EPA through 2012.

The test guidelines come as EPA is attempting to pivot away from animal-based toxicity assays. Using the EDSP as its first implementation of this relatively new technology, EPA proposes in a document explaining its rationale that assays from the

agency's ToxCast high-throughput toxicity testing research program could serve as alternatives to some of the original 11 assays in the first tier of EDSP. The agency took comments on this rationale document through Aug. 18. -- Maria Hegstad

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News Headline: EPA URGES SAB TO CLARIFY CONCERNS OVER NOVEL SKIN CANCER RISK VALUE |

Outlet Full Name: Inside EPA

News Text: EPA's top risk assessor is urging the agency's Science Advisory Board (SAB) to clarify its concerns that EPA should include additional studies to strengthen its novel skin cancer risk estimates in its draft risk assessment of the petroleum chemical benzo(a)pyrene (BaP), after the panel raised criticisms over most of the study's risk calculations.

The Chemical Assessment Advisory Committee (CAAC) panel, a subgroup of SAB, generally backs EPA's draft conclusions that the chemical is a developmental neurotoxicant, a reproductive toxicant, presents hazards to the human immune system and concurs with EPA's proposed classification of BaP as a human carcinogen.

But the panel's members have criticized EPA's approaches for calculating its first-time skin cancer risk estimate and its non-cancer inhalation and oral risk estimates, and questioned EPA's justification for its approach to its oral cancer potency estimate. The panel suggested that the agency should consider citing two additional scientific studies that it suggests might lend additional scientific support to a skin cancer estimate (Inside EPA, Aug. 7).

In response, EPA is countering that two studies floated by the panel would underestimate lifetime skin cancer risk from BaP because of their duration and is asking the panel to clarify those comments.

Vincent Coglianò, EPA's Integrated Risk Information System (IRIS) program director, noted in comments submitted ahead of an Aug. 21 CAAC teleconference that the agency sought to capture the studies "most appropriate" for analysis dose-response and deriving a cancer slope factor for lifetime dermal exposure, which is skin coming into contact with a substance. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184200)

Among the major criteria EPA used in the draft assessment, Coglianò wrote in the comments, was that a study should be approximately two years duration, or lifetime, and less-than-lifetime studies "would tend to underestimate lifetime risk by overlooking the potential for the development of tumors in later life."

Cogliano noted the studies suggested by the SAB panel -- a 1983 study, Nesnow, and a 1977 study, Levin -- treated mice for less than two years, and asks the panel to "elaborate on whether the relatively shorter durations of these two studies would decrease confidence in their utility for the derivation of a lifetime cancer slope factor?"

During the Aug. 21 CAAC teleconference, Cogliano said that those studies "wouldn't necessarily reflect a lifetime dermal estimate," adding, "I'd like the committee to reflect on that."

The draft BaP assessment is important for several reasons, including the first-time attempt to calculate a skin cancer risk estimate, something the agency has never included in another IRIS study.

EPA's effort at re-assessing BaP's risk comes at the recommendation of a 2010 SAB panel that peer-reviewed an agency effort at crafting a relative potency factor approach for estimating the toxicity of mixtures of polycyclic aromatic hydrocarbons, with the intent of using BaP as a reference chemical. That SAB panel pressed EPA to update its 1994 IRIS assessment of BaP before using it as a reference chemical in such an approach.

The draft assessment is also one of the first three being peer-reviewed by the relatively new CAAC, one of EPA's efforts to strengthen the IRIS program following a critical review from the National Academy of Sciences in 2011. The panel's comments to date have highlighted some concerns about the BaP findings.

CAAC members used the majority of their time on the recent teleconference to discuss the draft BaP review's dermal cancer slope factor (DSF). The panel's draft July 24 report says that EPA's proposed DSF for skin cancer is "not sufficiently supported scientifically," and urged the agency to consider the two additional studies and combining results from the mouse skin tumor bioassays in those studies to strengthen the value.

Epidemiologists on the CAAC panel previously raised concerns at the panel's meeting last April that EPA had not made sufficient use of studies of workers exposed to BaP on the job, particularly in the dermal and inhalation cancer potency estimates. They proposed that EPA consider epidemiology studies to bolster these risk estimates.

"The SAB also recommends that the EPA more thoroughly review the evidence of skin cancer in studies of coke, steel and iron, coal gasification and aluminum workers given their relevance for evaluating the appropriateness of using the mouse-based risk assessment model for predicting skin cancer risk in humans," the draft report says.

During the call, Miriam Poirier, of the National Institutes of Health, said that

"historically there are more modern studies consistent with workers' risk of skin cancer," reiterating the calls for the agency to make better use of the worker studies, though she acknowledged the studies may have some sample size and other limitations.

The panel is raising also questions about EPA's proposed reference dose (RfD) for non-cancer adverse effects from ingestion, but for ingestion, raising questions over the basis for EPA's calculations, suggesting that a different effect might be more sensitive and a better endpoint on which to base the calculations. The RfD is the maximum amount that the agency estimates could be ingested daily for a lifetime without increased risk of adverse health effects.

For example, University of Washington's Elaine Faustman, who chairs the CAAC panel, noted on the call that EPA's RfD using neurobehavioral changes as an endpoint may "have the potential there for underestimating" because of limitations on the duration of exposure in the studies the agency relied upon.

The draft SAB report recommended that the agency "consider the overall picture of neurodevelopmental effects from a broader set of the neurodevelopmental endpoints to justify and support the choice of the critical endpoint."

Also on the RfD, some members questioned how EPA should include data on cervical hyperplasia, reiterating concerns that the agency should give more justification for not selecting an endpoint, but with at least one member saying "I'm not comfortable describing this as a reproductive effect."

Duke University's Edward Levin said that "there is always going to be some question of 'is it important'" when discussing a relatively new effect on tissue, but raised concern that such questions could delay EPA from setting a threshold limit for regulatory purposes.

The panel also discussed its draft recommendation that EPA give greater consideration to genotoxic effects on male germ cells as a possible mode of action, noting that BaP is mutagenic because it can change genetic material and can therefore be detrimental to reproductive health.

"I'm not sure we want to go out on a limb and say there's not a genotoxic mechanism," Poirier said.

John DiGiovanni, of the University of Texas at Austin, noted that "I agree we wouldn't want to emphasize hyperplasia as a primary mechanism because there is evidence of mutagenesis as well." -- Bridget DiCosmo

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News Headline: WASTEWATER UTILITIES SEEK TO BOLSTER EPA NANO RULE TO ADDRESS DATA GAPS |

Outlet Full Name: Inside EPA

News Text: Wastewater utilities are urging EPA to strengthen a proposed Toxic Substances Control Act (TSCA) data collection rule for nanomaterials, citing the substances' potential risks to wastewater treatment processes and the environment, and calling for eliminating exemptions for certain substances and requiring reporting throughout the materials' life-cycle.

In Aug. 5 comments, the National Association of Clean Water Agencies (NACWA) says EPA's proposed reporting rule is needed to address knowledge gaps on whether increased use of nanomaterials is harming bacteria used in wastewater treatment, and allowing nanomaterials to pass through unaffected increasing environmental releases. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184171)

"The current lack of information about nanoscale materials makes it difficult for publicly owned treatment works (POTWs) to determine the potential risks of discharges by the manufacturers and processors of these materials," NACWA says. "Better information about nanoscale materials will give EPA the ability to analyze the risks from these materials and take appropriate actions to protect POTWs."

NACWA also says the presence of nanomaterials in biosolids produced through wastewater treatment could limit beneficial reuse of that material as compost or fertilizer.

The group urges EPA to strengthen its April 6 proposal by eliminating language that could leave reporting for certain substances to companies' discretion, and by clarifying EPA's "intent to require reporting of exposures and releases throughout the entire life cycle of the nanomaterial, from manufacture, through product use, and including end-of-life management."

EPA took comment through Aug. 5 on its proposed TSCA section 8(a) nano reporting and record-keeping rule, which the agency has said will guide its future policies on the substances, including potential regulation of some nanomaterials found to pose risks to human health or the environment.

The proposal would require a one-time data submission to EPA six months after issuance of the final rule, and the agency is also proposing that companies that intend to manufacture reportable substances after the rule takes effect would have to report to EPA at least 135 days before commencing manufacturing.

The controversial proposal follows years of wrangling with the nano industry and White House officials and has received conflicting comments from industry, which says the rule lacks scientific backing and should be withdrawn and re-proposed, and

from environmentalists who are pushing for regulation rather than simply reporting.

NACWA's comments back calls from drinking water utilities and some western states that have argued additional data on hazard and exposure, through water sampling and research, is necessary to better assess nanomaterials' presence in the environment and potential risks.

For example, the American Water Works Association (AWWA) in June 30 comments to EPA noted that data on removal through conventional drinking water treatment processes commonly used in the United States are "almost non-existent."

Citing nanosilver as an example, NACWA says certain nanomaterials pose risks to bacteria used in biological treatment of wastewater. The group also specifically targets zinc oxide contained in sunscreens and cosmetics, arguing the proposal should not exempt the substance from reporting because nanoscale versions may wash down the drain, contributing to zinc loads and potentially bringing new hazards due to their unique form.

Zinc, a priority pollutant, is a common cause for waterbody impairment. Zinc discharges into and out of POTWs are heavily regulated under the Clean Water Act.

NACWA also opposes industry's request to reduce or eliminate EPA's proposed 135-day notification requirement for future reporting. NACWA says utilities' pretreatment programs generally require industries to submit discharge applications 180 days prior to discharging, so POTWs need at least 135 days to determine pretreatment measures for nanoscale materials planned for manufacture or processing in their service area.

NACWA also asks EPA to notify POTWs of manufacturing or processing of nanoscale materials in their service areas to help POTWs meet their pretreatment regulatory requirements.

And NACWA says EPA should include, in its analysis of costs and benefits of the proposed reporting rule, accounting for the benefits of reporting for POTWs, saying that better EPA oversight of nanoscale materials will likely reduce costly incidents of wastewater treatment interference or restrictions on disposal of biosolids. -- Dave Reynolds

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News Headline: Asbestos still being discovered during final phase of parkway construction | ...

Outlet Full Name: New Hampshire Union Leader Online

News Text: ...left to go before the Broad Street Parkway is set to open, construction

crews are continuing to discover asbestos in the Nashua Millyard...

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News Headline: Boil water advisory issued for systems near Santa Fe, Raton | .

Outlet Full Name: Associated Press

News Text: SANTA FE, N.M. (AP) - The New Mexico Environment Department's Drinking Water Bureau has issued boil water advisories for systems near Santa Fe and Raton.

The advisories were issued Thursday for the Las Campanas system and the Vermejo Park Headquarters system.

That was after E. coli bacteriological contamination was detected in repeat drinking water samples from each system.

Las Campanas is a community public water system that serves about 400 people some 10 miles west of Santa Fe.

Vermejo Park Headquarters Water System serves approximately 140 people and about 45 miles west of Raton.

Users are advised to boil the water for five minutes before drinking, cooking, dishwashing and bathing.

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News Headline: Environmental groups drop Charles River watershed lawsuit - The Boston Globe | .

Outlet Full Name: Boston Globe Online

News Text: Comments Print By Jon Chesto Globe Staff August 27, 2015 Two environmental groups have dropped a lawsuit aimed at requiring many major...

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News Headline: EPA WEIGHING ALABAMA WATER PERMITTING AUTHORITY AMID STATE BUDGET WOES |

Outlet Full Name: Inside EPA

News Text: EPA Region 4 officials are slated in the coming weeks to release a final response to a five-year old petition from an Alabama environmental group seeking to

strip the state of its delegated Clean Water Act (CWA) discharge permitting authority, although sources say it would be unlikely for the agency to take back the permitting duties even though state lawmakers have sought to slash funding for the program.

A coalition of Alabama environmental groups, in a series of petitions to EPA Region 4 filed in 2010 and 2012, raised concerns that the state's National Pollutant Discharge Elimination System (NPDES) program was violating the CWA and had "neglected responsibilities," in part due to a series of budget cuts. The groups asked that EPA take immediate action to remove the Alabama Department of Environmental Management's (ADEM) NPDES authority.

"Alabama's water pollution program is fundamentally broken and does not meet minimum federal standards," the groups wrote in their 2010 petition to strip the state of its delegated authority. "Most concerning is the state's refusal to commit the funds and resources necessary to carry out even the most basic requirements of a NPDES program."

The groups also reiterated these concerns in a 2012 supplement, saying the state "has systematically eviscerated the program by levying budget cuts on top of budget cuts" and "putting our very health and well being at risk."

Region 4 in an April 2014 "interim response" to the petition agreed the groups raised valid concerns but said the agency "deferring a decision on the petitions with respect to these issues, and will work with ADEM and give ADEM an opportunity to address EPA's concerns before EPA determines whether it is necessary to order the commencement of proceedings for program withdrawal." The interim response is available on InsideEPA.com. See page 2 for details. (Doc. ID: 184157)

Among Region 4's concerns are "activities, processes, or policies that [state revolving fund] data and/or file metrics show as major problems requiring EPA oversight," the 2014 response signed by Region 4 Administrator Heather McTeer Toney says. And the region said ADEM should implement new, revised procedures to ensure "accurate reporting of enforcement and compliance data" in its NPDES program.

But Region 4 also noted that while the agency had previously raised many concerns about ADEM's data and monitoring of its NPDES program, the state had made significant improvements.

An EPA spokesman says a final response to the petitions "is still under review and we can't provide further information."

A state source says the de-delegation petition process is one of the few ways environmental and other groups have to force EPA oversight of a state's CWA programs.

"Most of the CWA is designed to go after facilities. It's not designed to look at the state program overall," the source says. "There aren't the same places in the legal realm where you can go after the [state] agency not doing its job."

EPA's deliberations come as Alabama elected officials are struggling to pass a balanced budget, with Gov. Robert Bentley (R) vetoing a spending bill earlier this year that would have eliminated all funding for ADEM. While state regulators would still have money from federal sources and permitting fees, the state's NPDES program would have to shut down and EPA would be forced to initiate NPDES withdrawal proceedings, ADEM said.

The state legislature failed earlier this month in a special session to pass a revised spending bill, and local news reports say it is unclear how the situation will be resolved in a second, yet to be scheduled, special session.

Alabama's budget fight echoes Michigan's economic crisis in 2009 when then-Gov. Jennifer Granholm (D) recommended shifting oversight of the state's wetlands permitting program back to EPA and the Army Corps of Engineers. Michigan is one of only two states with delegated CWA section 404 permitting authority, compared to 46 states with delegated section 402 NPDES authority.

But while Michigan initiated the process to return its 404 authority, the state legislature eventually passed a bill to retain oversight of its federally delegated wetlands permitting program rather than returning authority to federal regulators, a move that EPA and others warned would have caused an upheaval for permit applicants and scaled back protections.

The state source says it is extremely rare for a state legislature to completely cut funding for water programs, and EPA has never been faced with taking back a NPDES program. "I don't think they have done [it at EPA headquarters]," the source says. "There are usually more informal conversations about how the state can adjust its program."

The source adds that it would be difficult to predict the true budgetary or environmental impact on a state if it were to give its authority back to EPA: "You wouldn't know how much of an impact on the state's ability to implement [water programs] it would have. If you look at the budget and they have been funded at 90 percent state revenues, and 10 percent at federal revenues, it could be clear that they will have challenges, but if a state program is really robust it would be hard to predict based on just financials." -- Amanda Palleschi

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News Headline: STATE LEGISLATURES' GROUP FAILS TO REACH

Outlet Full Name: Inside EPA

News Text: The National Conference of State Legislatures (NCSL) during its recent annual meeting failed to reach consensus on a resolution expressing "dissatisfaction" with the administration's Clean Water Act (CWA) jurisdiction rule, one state source says, reflecting a longstanding split among the states over whether to support the policy.

At NCSL's Aug. 3-6 legislative summit in Seattle, a vote over a resolution outlining the group's opposition to the regulation ended in a 19-19-1 tie that meant it failed, the source says. "That spells it out for us: we can't take a position," the source adds, saying some states have voiced support for the rule while others strongly oppose it.

EPA and the Army Corps of Engineers jointly issued the rule on June 29 to clarify the scope of the CWA following Supreme Court rulings that created competing tests for determining jurisdiction. Supporters say it provides much-needed legal clarity but critics say it expands the water law's reach far beyond what Congress intended.

More than a dozen states have so far filed litigation in district and appellate courts challenging the rule on grounds that it violates the commerce and due process constitutional clauses, oversteps the reach of the water law and violates the Administrative Procedure Act, among various other legal criticisms of the regulation.

Federal district courts have thus far split over whether to stay the suits until a judicial panel on multi-district litigation responds to the administration's push to consolidate all cases in one court, with four district courts granting stay requests but one rejecting it. At press time the division appeared to be one ruling against a stay, four backing a stay, and decisions still pending in at least five other district court cases.

At the appellate level, the U.S. Court of Appeals for the 6th Circuit has consolidated litigation over the rule in one suit, and the Justice Department is trying to have the overall challenge to the rule heard in that court.

States have long been divided over support for the CWA rulemaking. Some states, such as Maryland, have voiced broad support for the rule. And in 2014 public comments filed on the agencies' proposed rule, some states fielded comments asking for greater input in shaping the rule to ensure proper implementation while other states argued the rule has so many flaws that EPA should have revoked it and issued a fresh proposal.

For example, in Oct. 24, 2014 comments signed by Idaho Gov. Butch Otter (R), the state urged the agencies to "reject the proposed rule as currently drafted," saying the "failure to include the states in the formulation process effectively missed an opportunity to build consensus with the primary implementing entities and prevent controversy."

The Association of Clean Water Administrators, however, representing state water program managers, said in Nov. 14, 2014, comments that it was then unable to either support or oppose the proposal at that time, and instead asked for "continued dialogue" with EPA and the Corps in crafting a final rule. -- Bridget DiCosmo

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News Headline: WASTEWATER GROUPS PRESS EPA TO BETTER JUSTIFY NEED FOR 'VIRAL' CRITERIA |

Outlet Full Name: Inside EPA

News Text: Wastewater groups are urging EPA to better justify the need for developing water quality criteria based on indicators of viral pathogens, saying current scientific knowledge appears insufficient to support such criteria and that an agency literature review failed to demonstrate the viral indicators perform better than bacterial indicators in preventing illness.

"The objective of these comments is to encourage EPA to consider all relevant scientific data in evaluating the need for a new indicator and in setting criteria for it, so that any large public expenditure, if needed, be commensurate with the improved public health and environmental outcomes," the Water Environment Federation (WEF) says in Aug. 14 comments to EPA. The comments are available on InsideEPA.com. See page 2 for details. (Doc. ID: 184166)

The comments are based on input from nine WEF committees and the National Association of Clean Water Agencies (NACWA), which represents publicly owned treatment works (POTWs).

EPA earlier this year released a literature search into possibilities for a viral indicator and its resulting initial conclusions. The literature search reviews eight epidemiological studies evaluating the relationship between "coliphages and gastrointestinal illness from exposure to recreational water. Five of the eight studies found a statistically significant relationship between F-specific coliphages and illness levels," the document says. Coliphages are bacteriophages -- or viruses that replicate only within certain bacteria -- that replicate within the bacteria E. coli.

EPA started its evaluation of coliphages as potential indicators after a coalition of environmental groups sent the agency a notice of intent to sue in 2013, which outlined the groups' concerns regarding the existing recreational water quality criteria established in 2012. The groups argued the standards violated the Clean Water Act, questioning whether the E. coli bacterial indicator was the best standard and pressing for faster testing methods, among other concerns.

But the wastewater sector has been expressing concerns about the effort from the

start, questioning whether EPA is moving too quickly toward new criteria that will be costly for POTWs to meet (Inside EPA, June 5).

In the Aug. 14 comments, the wastewater sector reiterates its concerns about the potential effects of new viral-based criteria, focusing on two major concerns about the strength of the agency's literature review and asking EPA to take additional steps to prove its planned actions are necessary.

The first concern challenges the premise that viral pathogens are the leading cause of recreational waterborne illnesses, with WEF saying one of the studies cited in the literature review, known as the Jiang study, refers to Centers for Disease Control and Prevention (CDC) data for waterborne illnesses from drinking water, not ambient water.

WEF also questions the use of another study, known as the Sinclair study, saying that while the CDC data used in that study do indicate a trend of increasing viral outbreaks, many of the disease outbreaks were from pools and not ambient recreational waters.

Additionally, WEF says that when looking at the CDC data underlying the questioned studies, they correspond to an illness rate of 0.03 percent, which is significantly lower than EPA's recreational water quality criteria level of 3.6 percent. "Since the overall rate of viral illnesses is likely orders of magnitude lower than the current basis of [the recreational water criteria], WEF would be interested in discussing with EPA the decision to pursue phage recreational water quality criteria," the comment says.

WEF also says it is interested in discussing with the agency "whether focusing on a viral surrogate is the best way to decrease illness when 9 out of the 10 main contributors to illnesses in recreational waters are non-viral based."

The wastewater sector's second major concern deals with whether the literature review demonstrates that coliphages perform better than traditional indicators.

For example, WEF says the Boehm et al. 2009 study suggests that for the marine sewage impacted beach, there was no association between coliphages and adenoviruses or enteroviruses. "This suggests that for sewage impacted recreational waters, coliphages poorly correlate with enteric viruses," the comments say.

"Furthermore, if the one study on sewage impacted beaches suggested that coliphages poorly correlate with human viruses, and to the best of our knowledge, no other studies contradict this, WEF would welcome a discussion on why is the EPA proposing to develop criteria that will specifically affect wastewater facilities when there could be many non-point sources that contribute coliphage and bacterial loads to beaches?" the comments say.

To address WEF's concerns, the group asks EPA to take four actions: revisit the assumption that viral pathogens are the leading cause of recreational waterborne illness in the United States; review the most recent CDC reports of the causes of waterborne disease from recreational waters and the relative contribution of viral pathogens; review whether phages are scientifically proven to be better indicators of fecal contamination of illness risk in recreational waters compared to current indicators; and provide additional explanation of why somatic coliphage could be a desirable viral indicator.

WEF says it is important that any changes in water quality criteria be technically and scientifically defensible and notes its desire that there not be multiple revisions to the criteria in a relatively short period of time.

"This is a significant issue for suppliers who have to commit resources and capital to validate their systems and for utilities that may need to invest significant public funding and time into designing and constructing infrastructure to meet new criteria; therefore it is extremely important that any new criteria have a strong basis, with few future changes," the comments say.

WEF says it would also welcome a discussion with EPA on whether it expects any impact on the practice for filtration and/or biological processes, and if so, recommends a broader group of stakeholders to be included in the early stages of the effort. -- Lara Beaven

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News Headline: Judge Blocks EPA Water Rule | ..

Outlet Full Name: Wall Street Journal Online

News Text: ...to go into effect Friday, that seeks to put more small bodies of water and wetlands under federal protection to ensure clean drinking...

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News Headline: Obama administration water rule blocked at last minute |

Outlet Full Name: Washington Post, The

News Text: BISMARCK, N.D. - A federal judge in North Dakota on Thursday blocked an Obama administration rule that would give the federal government jurisdiction over some smaller waterways just hours before it was to take effect.

U.S. District Judge Ralph Erickson in Fargo issued a temporary injunction against the rule that would have given the Environmental Protection Agency and the Army Corps of Engineers authority over some streams, tributaries and wetlands under the

Clean Water Act. The rule was scheduled to take effect Friday.

"The risk of irreparable harm to the states is both imminent and likely," Erickson said in granting the request of 13 states to temporarily stop the rule from taking effect. The judge said the rule would require "jurisdictional studies" of every proposed natural gas, oil or water pipeline project in North Dakota.

The 13 states led by North Dakota asked Erickson to suspend guidelines that they say are unnecessary and infringe on state sovereignty. The federal government says the new rule clarifies the law and makes it easier for the states to manage some waterways. It wasn't immediately clear whether the injunction applied to states other than the 13 that requested it.

North Dakota Attorney General Wayne Stenehjem, who filed the request, said he was pleased by the ruling.

The EPA did not immediately comment.

The agriculture industry has been especially concerned about the regulation, saying it could apply to drainage ditches on farmland. The EPA and the Army Corps of Engineers said the only ditches that would be covered under the rule are those that look, act and function like tributaries and carry pollution downstream.

Other states involved in the lawsuit are Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, New Mexico, Nevada, South Dakota and Wyoming.

- Associated Press

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News Headline: Cyanobacteria warning issued for pond |

Outlet Full Name: Advocate Online, The

News Text: HENNIKER, N.H. (AP) — The New Hampshire Department of Environmental Services has issued a cyanobacteria warning for...

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News Headline: High bacteria counts shut 4 beaches on Greenwich Bay |

Outlet Full Name: Advocate Online, The

News Text: ...area Tuesday leading to an increase in storm water. Officials will monitor water quality and recommend reopening the beaches when...

News Headline: Things to know: EPA water rules take effect in some states |

Outlet Full Name: Associated Press

News Text: WASHINGTON (AP) - New federal rules to protect smaller streams, tributaries and wetlands took effect on Friday - but only in some states.

A federal court ruling Thursday, hours before the rules were to go into effect, blocked the regulations in 13 states. Those states had sued the Environmental Protection Agency and the U.S. Army Corps of Engineers, arguing that the rules are federal overreach and could be costly and confusing for landowners.

The government says the new rules will help protect the nation's waters from pollution and development, and safeguard drinking water for 117 million Americans.

Things to know about the new rules and court action blocking them:

EPA SAYS RULES ARE NEEDED

The regulations issued by the Environmental Protection Agency and the U.S. Army Corps of Engineers in May aim to clarify which smaller waterways fall under federal protection after two Supreme Court rulings left the reach of the Clean Water Act uncertain. Those decisions in 2001 and 2006 left 60 percent of the nation's streams and millions of acres of wetlands without clear federal protection, according to EPA, causing confusion for landowners and government officials.

The new rules would force a permitting process only if a business or landowner took steps that would pollute or destroy the affected waters - those with a "direct and significant" connection to larger bodies of water downstream that are already protected. For example, that could include tributaries that show evidence of flowing water.

STATES, FARMERS SAY THEY AREN'T

Despite the EPA's assurances, opponents fear a steady uptick in federal regulation of every stream and ditch on rural lands.

More than half of states have sued the EPA in hopes of delaying or blocking the rule. State officials from Georgia to New Mexico to Wisconsin have suggested the regulations could be harmful to farmers and landowners who might have to pay for

extra permits or redesign their property to manage small bodies of water on their private land.

The federal ruling Thursday was in North Dakota, where officials from that state and 12 others argued the new guidelines are overly broad and infringe on their sovereignty. U.S. District Judge Ralph Erickson in Fargo agreed that they might have a case, issuing a temporary injunction.

The EPA said after the ruling that it would not implement the new rules in those 13 states - Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota and Wyoming.

Several other lawsuits remain, from other states and also from farm and business groups.

CONGRESS ALSO PUSHING BACK

In Congress, House Speaker John Boehner, R-Ohio, has called the rules "a raw and tyrannical power grab." The House has passed a bill that would block them - legislation the White House threatened to veto.

A Senate committee has passed a similar bill that would force the EPA to withdraw and rewrite the rules, and opponents are pushing the full Senate to act this fall.

The Senate bill has some bipartisan support. North Dakota Sen. Heidi Heitkamp and Indiana Sen. Joe Donnelly, both Democrats, have backed the legislation, saying the waters rule is a top issue they hear about from their agricultural constituents.

"It's the perfect example of the disconnect between Washington and rural areas," Donnelly said earlier this year.

EPA SAYS CRITICISM IS OVERBLOWN

Defending the rule in North Dakota, the government argued in court that the new rule clarifies some of the ambiguity in the law and actually makes it easier for the states to manage some waterways.

Government lawyers said during a hearing in Fargo last week that North Dakota's objection wrongly assumes some bodies of water will be affected. They also argued that the state is already going through some of the permitting procedures they're complaining about.

Since the rules were originally proposed last year, the EPA has been working to clear up some misconceptions, like some critics' assertions that average backyard puddles would be regulated. Farming practices currently exempted from the Clean Water Act - plowing, seeding and the movement of livestock, among other things - will continue to be exempted.

"We believe we have largely retained the status quo in terms of what a farmer would have to do under the current rule and the new rule," said Ken Kopocis, deputy assistant administrator of the EPA's Office of Water.

Associated Press writers James MacPherson in Bismarck, North Dakota and Dave Kolpack in Fargo, North Dakota contributed to this report.

Find Mary Clare Jalonick on Twitter: <http://twitter.com/mcjalonic>.

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News Headline: India's polluted waters cleanse spirits at Hindu festival |

Outlet Full Name: Associated Press

News Text: NASIK, India (AP) - It's just water, and far from the cleanest you could find. Raw sewage often flows in the Godavari River, bringing with it high bacteria levels. Residue from sand mining can cloud the water. Farm pesticides leech through the soil.

But to the millions of Hindus expected at the Kumbh Mela festival, held this year along the Godavari, touching that water is reverential. It's a way to cleanse themselves of sin, to come close to God, to immerse themselves in a tradition that reaches back into antiquity. They have come to this city from across India and around the world. Entire villages arrive together, and their parties often last through the nights. Thousands of mystics gather.

Water is central to many religions: Christians perform baptisms, Orthodox Jews seek ritual purity in mikvah baths, Muslims wash themselves before prayer. Believers in both Catholicism and voodoo find solace in the waters of Haiti's Saut d'Eau waterfall.

Observant Hindus believe that four drops of holy nectar were spilled long ago during a battle between gods and demons. Since then, the Kumbh Mela has alternated between the four cities where the nectar fell.

This year, the two-month festival is being held in the crowded city of Nasik.

The moment when people immerse themselves is the culmination of all the travel and effort and prayer, and the dark water of the Godavari sparkles from the splash. Some people thrust themselves almost violently in and out of the water. Some go delicately. Some take a gentle swim.

The intensity is so strong you can almost touch it.

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News Headline: Million gallons of wastewater closes another beach in Hawaii | ...

Outlet Full Name: Associated Press Online

News Text: ...near the ocean. A million gallons of treated but not yet disinfected wastewater spilled from the East Honolulu Wastewater Treatment...

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News Headline: EPA threatened with lawsuit over fracking rules |

Outlet Full Name: Boston.com

News Text: Stock Market XML and JSON Data API provided by FinancialContent Services, Inc. Nasdaq quotes delayed at least 15 minutes, all others at least 20...

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News Headline: Methane-reduction proposals raise a stink |

Outlet Full Name: Eagle-Tribune Online, The

News Text: AUSTIN — The Environmental Protection Agency is proposing to clear the air by cutting methane emissions, but the petroleum...

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News Headline: Cyanobacteria warning issued for pond |

Outlet Full Name: Foster's Daily Democrat Online

News Text: ...warning issued for pond in Henniker HENNIKER, N.H. (AP) ? The New Hampshire Department of Environmental...

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News Headline: Northern Pass is balanced solution that makes sense for New Hampshire | .

Outlet Full Name: Laconia Citizen - Online

News Text: ...we can take to help improve our economic future. We must protect our environment. The power coming through Northern Pass is clean...

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News Headline: Pipeline opponents plan rally in Keene | .

Outlet Full Name: New Hampshire Union Leader Online

News Text: ...several towns in the region, which has raised concerns over air and noise pollution as well as safety and water quality...

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News Headline: California Beats Water Conservation Goal for 2nd Straight Month |

Outlet Full Name: New York Times, The

News Text: LOS ANGELES -- Californians cut water use by more than 31 percent in July, the largest savings the state has logged since a drought emergency was declared last year.

It was the second month of mandatory 25 percent statewide cutbacks, compared with July 2013, and residents again surpassed the target set by Gov. Jerry Brown, an indication that Californians understand the severity of the drought and that conservation tactics are working.

On the whole, each resident used an average of 34.9 fewer gallons of water per day than in July 2014, when the drought had already begun.

"The news is quite good, and conservation is even better than last month, which is exactly what we need during the hot summer months," said Felicia Marcus, chairwoman of California's State Water Resources Control Board. "That's when we use the most water, so that's when we have the opportunity to save the most."

In all, 290 water agencies, supplying 29.2 million people, were within at least 1 percent of their reduction targets, which varied based on previous use. Most of the other 112 agencies missed their targets by relatively small margins.

Only four agencies were off pace by more than 15 percent, down from 16 agencies last month.

The state can issue fines of \$500 per day to communities that do not hit their goals. So far, though, no fines have been issued, and state officials have instead worked with struggling agencies to put new conservation policies in place.

Max Gomberg, the senior environmental scientist for climate change with the water control board, said the state's goal was conservation, not punitive enforcement. "We will use fines only if we need to compel compliance," he said. He added that several agencies had missed the targets twice in a row and that the state would have to determine "which are the ones that don't have what they really need to have in their conservation programs."

Though July was hot, Southern California benefited from an unusual dousing of rain, which allowed those trying to keep lawns alive to save water. (Outdoor watering is prohibited for 48 hours after a rainstorm.) Many others here have taken advantage of turf rebate programs to remove their lawns, or just let their grass go "California gold," as the water board has called it.

"You see the change in our cityscape in the past few months," Ms. Marcus said.

Even with good news about July's conservation, though, Ms. Marcus warned against complacency, as Californians looked toward the winter, when they hope a strong El Niño will bring precipitation and perhaps an end to the drought.

"We can't roll the dice when we're in the worst drought we've seen since records started being kept," she said.

Even if El Niño dumps rain on the state, she added, it might not be in the right places to build up California's water reserves again. For that to happen, there would have to be heavy snow in the northern Sierra Nevada.

"We need to hope for as much rain as we can safely handle," Ms. Marcus said, "but it may not save us."

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News Headline: As Trash Piles Up, So Does Contempt for Lebanon's Government |

Outlet Full Name: New York Times, The

News Text: BEIRUT, Lebanon -- Mohammad Rizk sat glumly in his sandwich shop on Wednesday, waiting for customers. The scent of roasting chicken mingled with the fumes of a trash pile just outside. The garbage heap, which seemed to have taken on a life of its own, now dominated the curb where his drive-by clients once idled.

Mr. Rizk, 39, has a degree in economics. Yet without clout in any of Lebanon's sect-

based political parties, he said, he could not get a job in that field, and found himself slinging shawarma in a hot hole-in-the-wall. It was a lot he accepted until this summer, when political gridlock halted trash collection, a relatively reliable public service in a country with precious few of them, and sent protesters into the streets.

"Enough. This is enough," said Mr. Rizk, declaring that he would join the demonstrators if only he could afford to leave the shop. "No electricity -- we said, O.K. No water -- we said, O.K. But the trash?"

The mounting garbage piles are one indignity too far, the ultimate physical manifestation of a failed political system that has left the state unable to perform even the most basic functions -- so goes the central complaint of the demonstrators, who call their movement "You Stink."

And while Lebanon is famously divided by sect and class, it is hard to find anyone who disagrees, from the modest, mostly Shiite Beirut neighborhood of Basta, where Mr. Rizk works, to the designer boutiques and fancy restaurants of the mostly Christian Gemmayze district.

After a bloody 15-year civil war ended in 1990, power and resources in Lebanon were essentially divided up among the former combatants in a system of sectarian political patronage. The perpetual inertia of the government, ranked the fourth least efficient on earth by the World Economic Forum, obstructs everything from the grand to the mundane.

That is bad enough in ordinary times, but these are not ordinary times: The chaotic, murderous conflict next door in Syria has forced Lebanon, a nation of four million people, to shelter more than 1.3 million refugees.

"They told us that this system was preventing civil war, and that's why the Lebanese people tolerated it," Maroun Khoreish, a gray-haired retired general, said at a demonstration Tuesday night, where he joined a group of young activists from a range of backgrounds at a sidewalk table in front of a cigar shop. "But these young people say enough is enough. And they are right."

The garbage crisis is only the latest and most in-your-face of the myriad ways that political dysfunction deforms the social and physical landscape.

There has not been a president for more than a year, but Lebanese barely notice, they often joke, since the government does so little for them normally.

The impasses with the most noticeable effect on their lives revolve around nuts-and-bolts issues.

Despite priding themselves on a country with natural beauty, rich history and entrepreneurial citizens -- some of whom flaunt fabulous wealth -- Lebanese have

gotten used to life laced with struggles and absurdities, so used to it that it often seems to fade into the background of more dramatic issues of war and politics.

For instance, the country cannot generate enough power to meet its needs, forcing people to pay for private generator subscriptions or go without power for hours each day.

No new power plant has been built for decades. Among the reasons: The political parties cannot agree on who would reap the spoils, and in part because the network of generator operators -- politically connected, of course -- would lose money.

In a nation whose water resources are the envy of some of its neighbors, municipal water flows only at certain hours on certain days. You can tell which hours -- because that is when streams of water from unrepaired pipes flow down the street.

Many families use salty well water to make up the shortfall, or buy water to fill tanks for daily use. It is delivered in trucks by private companies (some of it perhaps siphoned, it is hard not to suspect, from the public supply). Then people also pay for bottled drinking water.

Teachers regularly go on strike; otherwise, said Dalal Zawawi, a schoolteacher who came to demonstrate on Wednesday, they simply would not receive their salaries on time.

Protesting, indeed, is often the only way to get grievances addressed, to the point that blocking roads with burning tires has become a tradition.

Communities south of Beirut arose in protest after a landfill near the town of Naimeh exceeded its capacity and the government repeatedly failed to come up with a solution. Demonstrators blocked the road to the landfill, touching off the trash crisis.

One such protest trapped Amer Jabali, the owner of a wedding couture shop in Gemmayze, on the road just as he was headed to the beach last month.

Mr. Jabali, 53, typically deflects his country's problems with humor; like when he posted a notice on his shop window that a sale would continue until there was a president.

But he saw the huge traffic jam, which lasted for hours with cars unable to move backward or forward, as a metaphor for the country's self-inflicted paralysis.

Indeed, a trip to the beach -- one of the few ways to cool off for families who may not be able to afford round-the-clock generators that can cost \$100 or more per month -- encapsulates many of the problems Lebanese find exasperating, though they have somehow lived with them for decades.

The country has long marketed itself as a beach destination, and before the civil war drew tourists from Europe seeking to water ski near downtown.

But as war and its aftermath created a free-for-all atmosphere with few controls on land use, most of the country's waterfront has been walled off by private clubs that charge \$20 or more for a day at the shore.

Families who cannot afford that can swim off rocky piers or at one sewage-laced beach near central Beirut. They can also drive two hours south to Tyre.

On the way, they pass a Turkish ship anchored off Sidon that generates electricity. They also pass through tunnels that periodically go completely dark because of power cuts.

The indignities occur even during protests against indignities. Demonstrators who were detained overnight said they had been forced to pay \$30 apiece for urine tests for drugs that the security forces had required.

The stasis of the state also puts off major decisions, often exacerbating problems -- most dramatically, the government's failure to plan for the influx of refugees from Syria, who now make up one in three people in Lebanon.

Now, even Syrians fleeing war pronounce themselves shocked at the lack of infrastructure in Lebanon. Some of them, however, express a hint of jealousy that Lebanon's weak state allows freedoms unavailable in Syria, where protests were crushed with deadly force. (Some Lebanese -- especially those who support the government of President Bashar al-Assad -- wonder why the Syrians revolted when they had free health care and college education, unimaginable in Lebanon.)

Back in Basta, a grocer sat motionless in a chair, watching flies from a nearby garbage pile swarm over his vegetables and reaching what he described as existential despair.

"I am living against my will," he said. "I am obliged to live."

One shopper, Mona Ramadan, covered her mouth with her head scarf against the stench. She said she had gone to the demonstrations, not only because food was rotting in her refrigerator because of power cuts, but also because economic woes were forcing her family to live apart: Two of her five children had gone abroad to find work and another was about to leave.

"I'm suffocating," she said. "We are living in stagnation."

Rania Hijazi, a housewife from Basta, stepped over garbage to pick through the vegetables, murmuring angry words: "May God send all the politicians to hell."

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News Headline: Clean Power Plan a step toward sunshine for Maine's economy ;
The plan represents the beginning of a more sustainable economic and environmental future. |

Outlet Full Name: Portland Press Herald

News Text: Clean Power Plan is a step toward sunshine for Maine's economy

The solar industry is growing fast. Partly because costs of installation are falling across the nation with each new investment, another home or business is going solar in the United States every 2.5 minutes. Since 2010 alone, prices have fallen by 46 percent.

That rapid growth is being felt right here in Maine, where 3.5 megawatts of solar capacity were installed in Maine in 2014, a 43 percent increase over a single year.

Even sunnier news: Solar energy is poised to play a major role in Maine's transition to a cleaner future. That's exactly why we need the Clean Power Plan, which was released last month by the Environmental Protection Agency.

The plan is the biggest step the country's ever taken on climate change. These new standards will cut carbon pollution from dirty coal, gas and oil power plants by 30 percent by the year 2030. The plan allows flexibility for states to cut emissions how they choose, but rewards states that choose to invest in renewables.

"Solar works in all 50 states, has zero carbon emissions, creates more jobs per megawatt than any other technology and can be deployed cost-effectively and quickly - all while improving grid reliability," said Rhone Resch, president and CEO of the Solar Energy Industries Association, a national trade group, following the Clean Power Plan's release.

The Clean Power Plan builds on the incredible momentum that Maine's businesses, communities, and individuals have already built through their investments in solar.

On Earth Day this past April, the sun shone on Maine's first community solar farm in South Paris. Community solar farms offer more Mainers the opportunity to get in on the solar boom while saving on their electricity bills. Community solar farms reach the 85 percent of customers who aren't able to invest in solar because their properties are unsuitable. On Aug. 12, another community solar farm opened in Edgecomb.

As we rely less and less on polluting coal and gas plants, Mainers have the opportunity to become energy independent through investing in solar. The number one obstacle is the will of decision-makers.

Behind California, Massachusetts employs the second most workers in the solar industry. Maine is ranked 43rd, with just over 400 jobs at 43 companies. The reason for the discrepancy between Maine and Massachusetts: The only state in New England without a solar development policy in place is Maine.

At the same time, federal tax credits for solar investments are scheduled to expire by the end of 2016. Potential projects would be left in flux as costs will rise if the credits are allowed to expire.

That's why Maine Solar Solutions has joined over 670 installers, manufacturers and others in the industry - including 12 businesses from Maine - on a letter last month to the White House, endorsing the Clean Power Plan and calling for solar energy to play a strong role in its rollout.

The Clean Power Plan is a huge step forward. When the Clean Power Plan was announced Aug. 3, solar incentives came with it. The rule's Clean Energy Incentive Program will reward states that choose to cut their emissions by investing in solar.

Furthermore, under the program, credits will be awarded to projects that generate renewable energy in 2020 and 2021, and begin construction after a state submits their implementation plan. These incentives will drive quicker investment in solar, with the goal of making clean energy affordable for all Mainers.

Maine has proven that it's up to the challenge to create a cleaner energy future. Since joining the Regional Greenhouse Gas Initiative in 2009, the regional cap-and-trade program has cut Maine's emissions while saving Mainers on their electricity bills. According to "States of Progress," a recent report by the Union of Concerned Scientists, an environmental advocacy group, Maine is on track to surpass its 2030 pollution reduction targets because of its participation in RGGI.

Maine's government can and should do more to support one of the state's most promising industries, for the future of our economy and environment. We can't afford tax credits expiring in 2016. We can't afford the Gulf of Maine's rapid warming.

Simply put: Maine can't continue business as usual. The Clean Power Plan is the beginning of a more sustainable economic and environmental future.

As big polluters and their allies ramp up their opposition to the Clean Power Plan in Congress, it's vital that Mainers stand for a clean energy future. We hope that Sen. Susan Collins - a key vote in the Senate - will also stand with Mainers for the sake of our environment, sustainable industries and future generations.

-- Special to the Press Herald

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News Headline: Study: Risk of large wildfires rises |

Outlet Full Name: USA Today

News Text: This year's catastrophic wildfire season -- more than 7.6 million acres already burned -- could be just a glimpse at what the future holds.

The risk of so-called "very large wildfires" could increase as much as six times in the U.S. by mid-century as a result of man-made global warming, researchers concluded in a study announced by the National Oceanic and Atmospheric Administration on Wednesday.

"Very large fires" are defined as the top 10% of fires based on acreage. Such blazes account for the majority of burned acres across the U.S. each year. There are currently 66 large fires burning, a step down from "very large."

Climate change is expected to both intensify fire-friendly weather conditions -- such as heat and drought -- and lengthen the season during which these fires tend to spread, according to the study, which was published in the International Journal of Wildland Fire.

Huge sections of the Western U.S. would see the risk of very large fires increase by as much as 200% to 500%.

The highest risk area includes the Great Basin and Northern Rockies, as well as the Sierra Nevada and Northern California.

Scientists in the study used computer models to simulate future climate conditions, based on projections of greenhouse gas emissions from the continued burning of fossil fuels such as coal, oil and gas.

Over the past couple of decades, wildfires have charred more and more of the U.S. Nine of the 10 years with the largest number of acres burned on record have occurred since 2000, according to the National Interagency Fire Center.

Several states, including Washington, Colorado, New Mexico, Texas and Oregon have all seen their largest or most destructive wildfires on record in this decade alone.

A separate study out Wednesday from NASA and several universities showcased global warming's opposite concern: an increased risk of coastal flooding because of a higher than predicted sea-level rise by 2100.

The higher sea levels will lead to flooding of coastal cities around the world.

News Headline: The EPA's Own Email Problem | ..

Outlet Full Name: Wall Street Journal Online

News Text: ...about that. Mr. North was, until a few years ago, a biologist at the Environmental Protection Agency, based in Alaska....

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